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BEL MARIN KEYS UNIT 5

FINAL

Environmental Impact Report/ Environmental Impact Statement

Corps Public Notice No. 15813N33A
State Clearinghouse No. 89072519

VOLUME THREE

COMMENTS RECEIVED

August 1993



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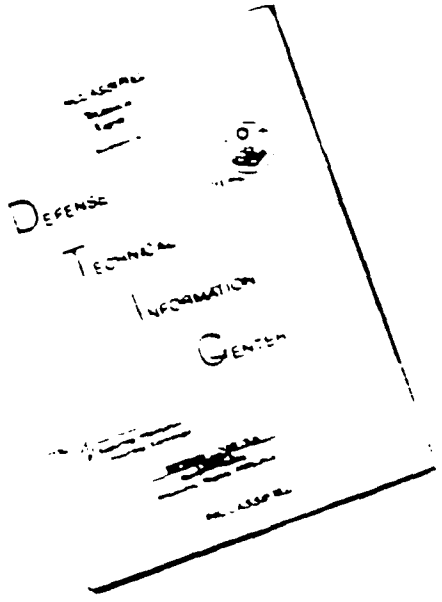
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DTIC QUALITY INSPECTED 5

VOLUME THREE
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Local Lead Agency:
County of Marin

Federal Lead Agency:
U.S. Army Corps of Engineers

Federal Cooperating Agencies:
U.S. Coast Guard
Environmental Protection Agency
U.S. Fish and Wildlife Service

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Environmental Science Associates, Inc.

1. INTRODUCTION

The Guidelines implementing the California Environmental Quality Act (CEQA) require that written responses be prepared for all written and oral comments received on a draft Environmental Impact Report (EIR) during the public review period. CEQA Guidelines Section 15132 specifically states:

"The Final EIR shall consist of:

a) The Draft EIR or a revision of that draft.
b) Comments and recommendations received on the Draft EIR either verbatim or in a summary.
c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
d) The response of the Lead Agency to significant environmental points raised in the review and consultation process.
e) Any other information added by the Lead Agency."

Similarly, the Council on Environmental Quality National Environmental Policy Act (NEPA) Regulations require that a Final EIS be prepared responding to all comments received on the draft and also discuss any opposing views on issues raised. Specifically, 40 CFR 1503.4 states:

"An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

1) Modify alternatives including the proposed action.
2) Develop and evaluate alternatives not previously given serious consideration by the agency.
3) Supplement, improve, or modify its analyses.
4) Make factual corrections.
5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response."

This Final EIR/EIS has been prepared in compliance with these Guidelines and Regulations, as well as with applicable procedures of Marin County, the U.S. Army Corps of Engineers. The Final EIR/EIS is also intended to comply with relevant, recent judicial actions pertinent to CEQA and NEPA.

As described in the DEIR/EIS (pp. 1.5-1.6), supplemental CEQA and NEPA environmental review documents may be required to address components of the proposed Master Plan not developed in sufficient detail at this time. At a minimum, these components include: 1) the proposed access roads to SR 37 and Hamilton Field; 2) the proposed shorebird habitat/managed

mudflat; 3) the proposed seasonal marsh/ farmland area; 4) the proposed shuttle bus; 5) the proposed ferry; and 6) the proposed light rail station.

In addition to supplemental NEPA documents (e.g., Environmental Assessments, Supplemental EISs), a detailed mitigation/monitoring plan may be required to provide site-specific information regarding the impacts for all proposals discussed in the EIS at a Tier 1 (Programmatic) level so that the magnitude of impacts can be evaluated by the Crops prior to any decision on the 10/404 permit application. The detailed mitigation/monitoring plan for the Section 10/404 permit, which will be reviewed by the resource agencies, will be required before the District Engineer issuance or denial.

The Draft EIR/EIS was circulated for public review in early August, 1992 for an initial period of 45 days. Two public hearings were held on September 14, 1993 to receive comments on the draft document. In the afternoon of that day, a public hearing was conducted by the Marin County Planning Commission at the Civic Center in San Rafael. In the evening a separate public hearing in the Bel Marin Keys community was conducted by the Corps of Engineers. At the County Planning Commission hearing, the Commission agreed to grant a 45 day extension of the comment period and to hold a second hearing on November 2. This second hearing was held as scheduled on November 2, 1992 and additional comments were received. This Final EIR/EIS responds to all written and oral comments received on the Draft EIR/EIS during the 90 day review period provided.

During the EIR/EIS review process, the U.S. Coast Guard, a Cooperating Agency for this project, circulated Public Notice No. 11-92 with respect to the retractable bridge that would be installed with the Project Sponsor's proposed new navigational lock. The Coast Guard is the permitting agency for the retractable bridge. In addition, any highway alignment, bridge removal and replacement, or new bridge construction related to the BMK5 project would be subject to Coast Guard permit authority if constructed over a navigable waterway. Written comments received on this Public Notice, many of which were duplicative with comments made on the EIR/EIS, are responded to in this environmental document.

This Final EIR/EIS is prepared in four volumes. Volume One is a revised Draft EIR/EIS, with additions and deletions made evident through the use of "strike-outs" and underlining. In general, the revisions to the Draft EIR/EIS are developed in response to specific comments received during the review process. However, some EIR/EIS author-generated revisions were also made to make minor corrections and to improve writing clarity and organization. In particular, and in response to general comments made concerning the draft document's readability, the impact and mitigation section throughout Chapter 5 has been reformatted so that each impact statement is immediately followed by the pertinent mitigation measure.

Volume Two is the Responses to Comments document. In Volume Two, Section 1 is the introduction, Section 2 lists key corrections to the Draft EIR/EIS suggested by commentors, and indicates where these corrections have been made or whether the corrections suggested are inappropriate and why. Section 3 presents a summary of all comments and provides responses to them. In providing the responses, the reader is also referred to the EIR/EIS text (including revisions) or to technical appendices as appropriate. To assist readers in locating responses to their specific comments Section 4 of Volume Two includes an index of all written comments received and where they are addressed.

This volume is Volume 3 of the Final EIR/EIS. Volume Three contains all written comments received on the Draft EIR/EIS as well as both the transcript from the September 14 Corps of Engineer's public hearing and the minutes from the September 14 and November 2 County Planning Commission hearings. The comments are divided into the following categories:

1. FA- Federal Agencies
2. SA- State Agencies
3. LA- Local Agencies
4. APP- Applicant
5. OG- Private Organizations
6. TR- Transcripts/Minutes from Public Hearings
7. PB- Individual Members of the Public

Each comment letter, minute or transcript has received a publication number which designates the category and number within the category (e.g. FA-1, FA-2, etc., SA-1, SA-2, etc.). Within each category, the letters were sorted by date, and then alphabetically. The comment letters in this volume are presented in order of publication number. Two indices, an index of letters, and an index of responses, follows this introduction.

Section A: Index to Comment Letters Received, lists all of the comment letters both by publication number and by page number. It also indicates which comment codes have been assigned to each letter. Section B: Index of Responses to Comments, enables the reader to readily locate where, in either Volume One (Revised Draft) or Volume Two (Responses to Comments) of the FEIR/EIS, the responses to specific comments are provided.

Comment coding is indicated in the right-hand margin of these letters, minutes, and transcript. The comment coding system keys the comment letter to the appropriate comment summary and response located in Volume Two (see Comment Coding Key below). To improve readability and minimize redundancy in response, the comments and responses in Volume Two are organized by technical category (i.e. all hydrology comments addressed in one subsection). As evident in the key, a "comment noted" (CN) coding is identified. This coding is used to indicate where comments made are either not relevant to the BMK 5 project at hand, relate more to the merits of the project and not to any specific environmental issue or represent points of information or general concern.

Volume Four of the Final EIR/EIS contains the technical appendices, including both previously prepared appendices (Volume Two of the Draft EIR/EIS) and new appendices generated during preparation of the FEIR/EIS. The table of contents for Volume Four indicates which appendices are new through the use of underlining.

COMMENT CODING KEY

CN. Comment Noted
COR. Corrections
GEN. General Comments
GEN-1: EIR/EIS Clarity
GEN-2: Adequacy of the EIR Process

GEN-3: General Project Approval/Opposition
GEN-4: Offsite Setting

PD. Project Objectives/Description
PD-1: Project Description Clarifications
PD-2: Project Phasing
PD-3: Program/Project Analysis
PD-4: Project Objectives

ALT. Alternatives
ALT-1: On-site Alternative Diagrams
ALT-2: Relationship to 404(b)(1) Alternatives Analysis
ALT-3: Additional Impacts of Alternatives
ALT-4: Additional/Modified Alternatives
ALT-5: Project Size
ALT-6: On-site Alternatives Impact Analysis
ALT-7: Favor/Oppose Alternatives

A. Land Use/Plans and Policies
A-1: Conformity of the EIR/S with the Environmental Assessment
A-2: Consistency with the Countywide Plan
A-3: Consistency with the Sonoma Countywide Plan and the Novato General Plan
A-4: Consistency with Applicable Federal and State Statutes, Plans, and Regulation
A-5: Impacts of the Neighborhood Shopping Center
A-6: Miscellaneous Land Use Issues

B. Biological Resources
B-1: Extent of Jurisdictional and Nonjurisdictional Wetlands on the Property
B-2: Regional Reduction of Seasonally Important Wildlife Habitat, and Precedent-setting Nature of Project in North San Pablo Baylands
B-3. Off-site Project Components
B-4: On-site Habitat Components: Habitat Creation/Restoration
B-5: General Wetland, Aquatic, and Other Habitat Values on the Site
B-6: Impacts To Endangered and Threatened Species
B-7: Other Special Status Species
B-8: Impacts To Trees On Property
B-9: Temporal Impacts During Project Phasing
B-10: Mitigation Measure Contingency
B-11: Other Wetland Impacts
B-12: Dredge Disposal Alternative
B-13: Novato Creek/San Pablo Bay Impacts
B-14: Assurances for Implementation of Mitigation Measures

C. Transportation and Circulation
C-1: Ferry
C-2: Second Access Roadways
C-3: Light Rail Station
C-4: Shuttle Bus
C-5: Traffic Analysis Methodology
C-6: Highway 101 Mainline
C-7: Highway 101 Interchanges
C-8: Cumulative Impacts
C-9: Mitigation Measures

C-10: Local Intersections
C-11: Bel Marin Keys Boulevard
C-12: Bike Path System
C-13: Perimeter Road Maintenance
C-14: Local Circulation, Parking, Emergency Access and Safety

D. Geology, Soils and Seismicity
D-1: Fill Placement/Settlement
D-2: Site Seismicity
D-3: Grading/Erosion Control
D-4: Sea-Level Rise

E. Hydrology, Drainage and Water Quality
E-1: Lagoon Management
E-2: Flood Control
E-3: Dredge Disposal and Management
E-4. Golf Course Water Quality
E-5: Marina and Boating Water Quality
E-6: Novato Creek Hydrology
E-7: Non-point Source Pollution
E-8: Hamilton Groundwater Contamination

F. Air Quality
F-1: State and Federal CAA and CAP Regulatory Compliance
F-2: Port Sonoma Ferry
F-3: Stationary Sources
F-5: Mobile Sources

G. Noise
G-1: Bel Marin Keys Boulevard Noise Levels
G-2: Locate Sensitive Noise Receptors
G-3: Boating Noise
G-4: Cons[illegible]tion, Project Phasing, And Noise Mitigations
G-5: Ham[illegible] Air Field Noise

H. Aesthetics
H-1: Shorebird Habitat Visibility
H-2: Light and Glare
H-3: Project Appearance
H-4: Shoreline View Corridors

I. Energy
I-1: Review Significance Classification of Impacts
I-2: Project Utilization of Energy Conservation Techniques
I-3: Energy Consumption versus Energy Budget
I-4: Energy Requirement of Managed Mudflat

J. Public Safety
J-1. Proposed Water Ski Areas
J-2 Enforcement of Boating Laws and Safety Violations
J-3 Navigational Locks
J-4. Health Safety of Reclaimed Water
J-5. Location of Roadways or Public Schools within Runway Protection Zone
J-6. Public Lagoon Access
J-7. Emergency Access and Manual Lock Operation

J-8. Crime Rate
J-9: Emergency Access for Emergency Response Personnel
J-10. Hamilton Toxics
J-11: Miscellaneous Public Health and Safety Comments

K. Public Services
K-1: Municipal Sludge Generation
K-2: Capacity Of Police Services
K-3: School, Community Park and Fire Station Sites
K-4: Novato Sanitary District's Force Main and Seasonal Marsh
K-5: North Marin Water District Water Service
K-6: Water as a Natural Resource
K-7: Golf-Course Irrigation Using Reclaimed Water
K-8: Miscellaneous Public Services and Utilities Issues

L. Cultural Resources

M. Agricultural Land Use Policies and Economics

N. Fiscal Economics
N-1: Costs of Project Elements
N-2: Impacts to BMK CSD
N-3: Capital Costs
N-4: Neighborhood Commercial Center
N-5: Project Delay or Termination
N-6: Cost of Public Services for Alternatives

O. Population, Housing and Employment
O-1: Affordable Housing Program
O-2: Marin County Jobs/Housing Balance
O-3: Reliability of Affordable Housing Program
O-4: Low-Cost Housing Fund
O-5: Density Bonus for Low-cost Housing

P. Growth Inducement
P-1: Flood Control Channel
P-2: Public Services
P-3: Bayfront Conservation Zone
P-4: Density Bonus for Low-cost Housing

CUM. Cumulative Impacts
CUM-1: Combination with Other Significant Developments
CUM-2: Mitigation for Cumulative Impacts
CUM-3: Multiple Golf Courses

MIT. Mitigation Measures
MIT-1: Implementation Assurance
MIT-2: Mitigation Sequencing

Section A: Index of Comment Letters Received

Legend: FA= Federal Agencies; SA= State Agencies; LA= Local Agencies; APP= Applicant; OG= Private Organizations
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Pub. Number	Page No.	First Name	Last Name or Organization	Date	Comment Index
FEDERAL AGENCIES					
FA-1	C.1	W.R. Till	Coast Guard w/ Public Notice 11-92 attached	9/9/92	CN; C-13; J-9; J-11
FA-2	C.5	H. Henderson	Coast Guard	9/30/92	G-5; J-5
FA-3	C.5	James R. Bybee	National Marine Fisheries Services (attachment to FA-5)	10/8/92	CN; B-4; B-7; B-13
FA-4	C.6	Deanna Wieman	EPA	10/9/92	PD-1; ALT-1; ALT-2; ALT-3; B-1; B-2; B-3; B-4; B-5; B-14; C-1; C-4; E-2; E-3; E-4; E-7; F-1; F-5; G-5; I-2; K-6; M-1; M-3; P-3; MIT-1
FA-5	C.13	W.R. Till	Coast Guard w/attachments	10/23/92	A-4
FA-6	C.15	Patricia S. Port	Regional Environmental Officer, Dept. of Interior	10/30/92	CN; ALT-1; ALT-2; ALT-3; B-1; B-2; B-3; B-4; B-5; B-6; B-7; B-9; B-14; P-3; MIT-1
FA-7	C.17	Telephone/verbal conversation record from Mike Thabault	National Marine Fisheries	11/3/92	E-3
STATE AGENCIES					
SA-1	C.18	S.R. Ritchie	RWQCB	11/2/92	ALT-2; B-1; B-2; B-3; B-4; B-5; B-6; B-13; E-1; E-3; E-4; E-5; E-7; MIT-1
SA-2	C.20	Bill Satow	Dept. of Boating and Waterways	8/28/92	A-4
SA-3	C.20	Sandy Hesnard	Dept. of Transportation, Division of Aeronautics	9/17/92	G-5; J-5
SA-4	C.21	Lorraine Van Kekerix	EPA	9/17/92	CN
SA-5	C.22	E. Patterson	State Lands Commission (with attachments incl. Sanders)	9/17/92	ALT-3; ALT-4; A-4; B-3; B-4; B-6; MIT-2
SA-6	C.25	Robert J. Batha	BCDC	11/2/92	CN; PD-1; A-4; B-3; B-4; B-5; D-4; G-5; J-5; M-1; M-2
SA-7	C.28	Fred Sledd	State Lands Commission to Bel Marin Keys Development Corp.	9/22/92	A-4
SA-8	C.29	Director, Office of (no author)	Dept. of Conservation (via Resources Agency)	9/23/92	M-2; M-3; M-4
SA-9	C.31	Christine Kinne	Dept. of Food & Agriculture	10/22/92	M-2; M-3
SA-10	C.32	Gary F. Adams	Dept. of Transportation	10/27/92	COR; PD-4; C-1; C-2; C-3; C-4; C-5; C-6; C-7; C-8; C-9; C-11; F-1; F-6

Section A: Index of Comment Letters Received

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Pub. Number	Page No.	First Name	Last Name or Organization	Date	Comment Index
SA-11	C.36	B. Hunter	CDFG	11/2/92	ALT-1; A-4; B-1; B-3; B-4; B-5; B-6; M-1
LOCAL AGENCIES					
LA-1	C.39	Richard Lehtinen	Sonoma County Planning Department	8/12/92	A-2; A-3; C-1
LA-2	C.40	Charles Joseph	Novato Sanitary District	8/25/92	K-4
LA-3	C.41	John Wooley	Memo to Tom Roberts (DPW Land Development) from John Wooley (DPW Flood Control)	9/2/92	GEN-3
LA-4	C.42	Chris DeGabriele	North Marin Water District	9/11/92	PD-1; K-5; K-7
LA-5	C.44	Charlotte Maurer; Chair	BMKCSD with attachments: Appendix 1, Planning Advisory Bd. + summary	9/14/92	PD-2; ALT-1; ALT-2; ALT-3; ALT-4; ALT-5; A-1; A-2; A-3; A-4; C-1; C-2; C-10; E-1; E-2; J-1; J-6; K-6; N-1; N-2; N-5; N-
LA-6	C.61	Mark Westfall	City of Novato	11/2/92	COR; C-5; C-9; D-1; D-2; J-3
LA-7	C.62	Anne Crowder	BMK Community Services District	9/17/92	C-2; E-1; J-1; J-6; N-1; N-2
LA-8	C.63	Jean Hasser	City of San Rafael	9/17/92	C-2
LA-9	C.64	Annette Conklin	Novato Unified School Distrcit	10/28/92	K-3
LA-10	C.65	Beverly Ehreth	Flood Control Zone 1 Advisory Board	10/29/92	E-2; E-3
LA-11	C.66	Jerome M. Kuykendall	Golden Gate Bridge Transportation District	10/2/92	COR; ALT-1; ALT-3; C-1; C-3; C-4; C-11; MIT-1
LA-12	C.68	Jan A. Wiegel	Marin County Planning Commission	10/15/92	COR; GEN-1; PD-1; ALT-3; A-2; B-2; B-4; B-6; B-8; B-9; B-10; C-3; C-4; D-1; D-3; E-4; E-5; F-3; G-4; G-5; H-2; H-3; J-10; K-3; K-8; N-1; MIT-1
LA-13	C.71	Bob Beaumont	DPW	10/28/92	COR; D-1
LA-14	C.71	Mark Westfall	City of Novato	9/18/92	A-3
APPLICANT					
APP-1	C.72	Joan Jenkins	Barton-Aschman Associates	9/10/92	COR; GEN-1; C-1; C-3; C-4; C-5; C-8; C-9
APP-2	C.77	L.E., Oberkamper	Oberkamper & Associates	10/2/92	D-1; D-2
APP-3	C.78	Gordon Jacoby	Venture Corporation	10/9/92	B-1; B-4; B-6

Section A: Index of Comment Letters Received

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Pub. Number	Page No.	First Name	Last Name or Organization	Date	Comment Index
APP-4	C.87	Lynn Sedway	Sedway & Associates	10/19/92	COR; N-1; O-1
APP-5	C.88	Gordon Jacoby	Venture Corporation	11/2/92	COR; PD-1; ALT-1; ALT-3; ALT-4; A-2; A-3; B-1; B-2; B-3; B-5; B-13; C-1; C-2; E-5; E-6; F-1; F-4; H-4; I-2; M-2; M-3; N-2; O-2; P-3
APP-6	C.94	Michael Wilmar	Nossaman, Guthner, Knox & Elliott	11/2/92	F-1
APP-7	C.96	Gordon Jacoby	Venture Corporation	9/11/92	A-2; B-4; B-5; M-1; O-2
PRIVATE ORGANIZATIONS					
OG-1	C.98	Hamilton Reuse Committee	Hamilton Reuse Comm.(FAX) dated 7/24/91 rcv'd 9/11/92	7/24/92	CN; B-11
OG-2	C.98	C. Henry Barner	Black Point Imp. Club	10/31/92	A-3; C-1; C-2; D-1
OG-3	C.99	Copy of letter to Gail Wilhelm	5/1/91 from American Farmland Trust (presented 9/14/92 hearing, Sierra Club	9/14/92	M-2
OG-4	C.100	Steve O'Keefe	MAPE Local 949	9/18/92	O-2
OG-5	C.101	Totton	Heffelfinger (Sierra Club)	9/14/92	ALT-1; ALT-2; ALT-3; ALT-4; A-4
OG-6	C.103	Kathy Lowery	Environmental Forum of Marin	10/3/92	COR; PD-1; PD-3; ALT-2; ALT-3; ALT-4; B-3; B-4; B-5; B-9; C-2; D-1; D-2; E-1; E-2; E-4; E-6; J-4; M-2; N-5; O-1; P-2; MIT-1
OG-7	C.105	Kathy Lowery	Environmental Forum of Marin	10/8/92	B-4; B-6
OG-8	C.106	Kathy Lowrey	Environmental Forum of Marin	10/16/92	COR; PD-1; PD-3; ALT-2; ALT-3; ALT-4; B-3; B-4; B-5; B-9; C-2; D-1; D-2; E-1; E-2; E-4; E-5; E-6; E-7; F-3; J-4; M-2; N-5; O-1; P-2; CUM-2
OG-9	C.107	Barbara Salzman	Marin Audubon Society	10/31/92	COR; GEN-4; PD-1; PD-2; PD-3; PD-4; ALT--1; ALT-2; ALT-3; ALT-4; A-1; A-2; B-1; B-2; B-3; B-4; B-5; B-6; B-7; B-8; B-9; B-10; B-11; B-13; B-14; C-1; C-9; C-10; C-12; C-13;D-1; D-3; E-1; E-2; E-4; E-7; H-1; M-1; M-2; N-1; MIT-1; MIT-2
OG-10	C.119	Berensmeier, Jean	Marin Conservation League	10/20/92	PD-1; ALT-4; A-1; A-2; A-5; B-1; B-3; B-4; B-13; C-2; C-4; C-5; C-6; C-8; D-1; E-2; M-2; M-3; N-3; O-2; P-2

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Pub. Number	Page No.	First Name	Last Name or Organization	Date	Comment Index
OG-11	C.121	Michael Alexander	PG&E	10/26/92	CN; I-2
OG-12	C.122	Susan Miller	Farmers Insurance Group	10/28/92	CN; K-3
OG-13	C.123	Feinstein, Arthur	Golden Gate Audubon Society	10/29/92	ALT-2; ALT-4; A-1; B-3; B-4; B-6
OG-14	C.125	Susan Stompe	Sierra Club Marin Group (w/ Grossi ltr. attachment)	10/30/92	COR; PD-1; ALT-2; ALT-4; A-1; A-2; A-3; A-5; B-3; B-4; B-5; B-6; B-8; C-1; C-2; C-4; E-2; E-4; E-5; E-7; M-2; M-3; N-1; N-2; N-3; N-4; P-2
OG-15	C.128	Holmes, Marc	Save San Francisco Bay Assn.	10/30/92	ALT-2; ALT-4; B-1; B-4; D-2; E-2; J-7
OG-16	C.131	Eklund, Patricia	North Marin Federation	10/30/92	CN; COR; PD-1; A-1; A-3; A-5; B-3; B-4; B-12; C-1; C-3; C-4; C-5; C-9; D-1; E-2; E-3; E-4; E-7; F-1; G-1; G-2; G-3; I-1; I-3; I-4; J-1; J-4; J-6; K-1; N-2; N-4; N-6; O-1; P-1; MIT-1
OG-17	C.135	Totton Heffelfinger	S.F. Bay Chapter Sierra Club	10/30/92	PD-1; PD-3; ALT-2; ALT-3; ALT-4; B-1; B-3; B-4; B-5; B-6; B-13; O-1
TRANSCRIPTS					
TR-1	C.137	Marin County Planning Commission Public Hearing		9/14/92	
			Comments by:	**Page of Transcript**	**Comment Index**
			Gordon Jacoby; Venture Corporation	16	CN
			Laurie Wayburn; LSA	16	A-2; A-4; B-4; B-5
			Lynn Sedway, Sedway Associates	17	O-2
			Kathy Miner	17	C-2; C-5; C-10
			Dave Capper	17	J-1
			Daniel V. Grinnell	17	B-4; E-2
			Scott Thayer	17	B-9
			Frances Rosenstein	17	GEN-3
			Mathilde White	17	B-2
			Lisa Farnham	17	A-1; A-2; O-1

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			Comments by:	Page of Transcript	Comment Index
			Leda Thayer	17	A-1
			Margaret Meeks	17	A-2; C-2; C-13; J-3; O-1
			Robert Farnham	18	A-1; A-2; B-4; C-2
			H.A. Flertzheim	18	GEN-3; ALT-1; ALT-3; C-5; E-2
			Totton Heffelfinger; Sierra Club	18	ALT-1; ALT-3; ALT-4
			Dee Cumberland	18	J-1
			David Sowers	18	ALT-4; A-1; O-1; CUM-1
			Robert Matson	18	E-1
			Bernard Jacobs	19	J-10
			Glen Alberigi	19	ALT-3; A-1; A-5; C-2
			Eugene Yager	19	GEN-3
			Charlotte Maurier	19	GEN-3
			Charles Nicolosi	19	O-2
			Mary Murtagh	19	O-2
			Barbara Salzman	19	ALT-7; A-2; B-3; B-4; B-14; E-2
			Commissioner Friedman	19	A-3
			George Youngerman	19	C-8
			Vic Canby	19	GEN-3
			James Wilson	19	C-13; J-1
			Marge Roome	20	A-1; N-1; N-2
			Commissioner Alff-Weigel	20	ALT-1; B-4
			Commissioner Rowland	20	GEN-1; J-1; K-3; N-2
			Commissioner Evans	20	ALT-4; B-4; G-4
			Commissioner Freidman	20	GEN-1; A-1;B-1; E-2

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TR-2	C.141	Marin County Planning Commission Public Hearing		11/2/92	
			Comments by:	**Page of Transcript**	**Comment Index**
			Carmen Chalfant	73	ALT-7
			John Chalfant	73	M-4
			H.A. Flertzheim	73	ALT-1; ALT-3; ALT-4
			Jerry P. Olmes; U.S. Coast Guard	73	C-13; J-3
			J.R. Coleman	73	N-1
			Roy Demarta	73	J-6
			Karen Hopp	73	ALT-4; ALT-7; B-5
			Deborah Kennard	74	B-5
			Wilma Demarta	74	GEN-3; M-4
			Mark Bramfitt; PG&E	74	CN; K-8
			Susanne V. Garber	74	ALT-4; B-5; N-1; N-2
			David W. Garber	74	ALT-1; ALT-3
			David Sowers	74	A-3; C-1; CUM-1
			Robert Farnham	74	N-1; O-1
			Vince Lattanzio	74	C-6; C-8; D-1; F-3; G-4; O-1
			Marge Lasher Roome	74	ALT-3; MIT-1
			Glen Alberigi	75	J-8; K-2
			Frances Rosenstein	75	SUBMITTED IN WRITING
			Scott Thayer	75	J-10
			Alan Cohen	75	C-8
			Bryan Chapman	75	O-1; O-2
			Barbara Salzman; Marin Audobon Society	75	ALT-4; A-1; B-5; E-2

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TR-3	C.144	U.S. Army Corps of Engineers Public Hearing		9/14/92	
			Comments by:	Page of Transcript	Comment Index
			Gordon Jacoby	32	CN
			Totten Heffelfinger	40	ALT-1; ALT-2; ALT-3; B-2; B-4
			Barbara Salzman	45	PD-1; B-3; B-4; C-1
			Charlotte Maurer	55	PD-2; ALT-1; ALT-2; ALT-3; ALT-4; ALT-7; A-1; A-3; C-2; C-10; E-1; J-6; K-6; N-2; N-5
			Michael Alexander	61	CN
			Margaret Meeks	66	C-13; J-3; O-1
			Bill Cumberland	69	A-2; B-1; B-2; E-1; E-2; J-1; N-5
			Robert Farnham	73	PD-1; ALT-3; ALT-4; A-2; E-2; O-1
			Bernhard Jacobs	78	D-1; J-10
			Vic Canby	82	B-4; J-5
			Scott Thayer	85	B-2; B-9; E-1; J-1
			Jim Throckmorton	89	ALT-3; N-1; N-2; N-6
			Bob Matson	90	E-1
			Leda Thayer	92	A-1
			Betty Colby	94	COR; PD-1; C-2; C-5; C-10
			Daniel Grinnell	98	B-2; B-4; B-5; E-1
			Jim Hollingshead	103	CN; C-2
			David Sowers	103	ALT-5; A-1; C-1; O-1; CUM-1
			Mary Alberigi	111	ALT-5; A-1; C-13
			Glenn Alberigi	114	ALT-1; ALT-3; ALT-5; A-1; C-1; C-2; C-10
			Marge Roome	118	A-1; E-1; E-3; J-6; J-8; N-1; N-2
			Vince Lattanzio	120	ALT-4; ALT-5; B-2; B-4; E-1; E-4

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			Mathilda White	128	ALT-5; F-6; G-1; J-1
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PB-1	C.210	Robert & Lisa	Farnham	2/2/91	Addendum To PB-27
PB-2	C.211	Robert & Lisa	Farnham	7/24/92	Addendum To PB-27
PB-3	C.214	Peter	Maraccini	8/11/92	CN
PB-4	C.214	Michael and Susan	Zatto	8/11/92	ALT-5; A-2
PB-5	C.215	Nancy	Cabaud	8/12/92	E-5; J-1
PB-6	C.215	Norma	Lukasieevicz, Received	8/14/92	GEN-3; B-5; C-1; C-10
PB-7	C.216	Janice	Otis	8/15/92	ALT-5; A-1; J-1; J-2
PB-8	C.216	Edward	Adams	8/17/92	ALT-3
PB-9	C.217	H. Robert and Cheryl	Trout	8/17/92	ALT-5; C-2; E-6; J-1
PB-10	C.218	Chris	Goodman	8/18/92	C-2; G-2; G-3; J-1;
PB-11	C.219	Lloyd	Pittman	8/22/92	CN; ALT-5; A-1
PB-12	C.220	Phil	Aubrey	8/24/92	ALT-5; C-2; D-1; E-1; E-3; J-1
PB-13	C.220	Robert R.	Henrich	8/29/92	ALT-4; J-1
PB-14	C.221	Robert R.	Henrich - Duplicate	8/29/92	ALT-4; J-1
PB-15	C.221	David	Chittenden	9/1/92	B-5; C-6; D-2; P-3
PB-16	C.222	Glen	Alberigi	9/3/92	ALT-3; ALT-5; C-2; C-8; C-9; CUM-1
PB-17	C.223	Merry	Alberigi	9/3/92	ALT-5; C-2; C-10
PB-18	C.224	Rose	Alberigi	9/3/92	ALT-5; C-2; C-13; J-1
PB-19	C.225	John & Jane	Christman	9/3/92	ALT-1; ALT-3
PB-20	C.225	John & Jane	Christman	9/3/92	ALT-1; ALT-3

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PB-21	C.226	Werner S.	Lewin Jr.	9/4/92	ALT-5; C-2
PB-22	C.227	David and Elaine	Sowers	9/5/92	CN; ALT-3; ALT-5; A-2; C-2; J-1; J-6; CUM-1
PB-23	C.228	Mrs. Douglas	Johnson	9/6/92	ALT-5; CUM-1
PB-24	C.229	Beverly	Laverty	9/8/92	CN; C-2; J-1
PB-25	C.230	Joan	Johnston	9/9/92	C-2; J-1
PB-26	C.231	William	Soule	9/9/92	CN; B-4; C-2; C-4; C-10; C-13; E-3; N-2; N-4
PB-27	C.233	Robert & Lisa	Farnham	9/10/92	COR; CN; GEN-1; GEN-2; PD-1; PD-4; ALT-1; ALT-2; ALT-3; ALT-4; A-1; A-2; A-4; A-5; B-3; B-4; B-5; B-7; C-2; C-5; C-8; C-10; C-13; D-1; D-3; E-1; E-2; E-3; E-4; E-5; E-6; E-7; E-8; F-3; G-4; J-1; J-5; J-11; M-2; N-1; N-4; O-1; O-2; P-3; MIT-1
PB-28	C.238	Lloyd	Pittman	9/10/92	A-1; C-2; C-10; J-9
PB-29	C.239	Anthony & Geneva	Ricci (with attachament)	9/10/92	ALT-5; M-2
PB-30	C.240	Walter	Rivers	9/10/92	ALT-5
PB-31	C.241	Henry	James	9/11/92	CN; C-1; C-2; C-3; C-4; J-6; N-2
PB-32	C.243	Lloyd	Pittman	9/11/92	A-1; O-1
PB-33	C.243	Lloyd	Pittman	9/11/92	COR; ALT-3; A-1; C-2; C-8; M-2
PB-34	C.244	Curt	Proaps	9/11/92	CN; GEN-3; B-5; C-1; C-2; N-2; O-1
PB-35	C.246	Glenn	Schwimmer; received	10/12/92	COR; ALT-3; A-1; C-2; C-8; M-2
PB-36	C.246	Douglas	Thornsjo	9/11/92	C-8; C-9
PB-37	C.247	Tobias	van Rossum Daum	9/11/92	COR; ALT-3; A-1; B-5; C-2; C-8; E-1; J-1; J-6; M-2
PB-38	C.248	Steve	Wegner	9/11/92	COR; ALT-3; A-1; B-5; C-2; C-8; E-1; J-1; J-6; M-2
PB-39	C.249	Angele	Khachadour	9/12/92	CN; A-2; A-5; C-1; C-4; C-10; J-1; J-3; N-4; O-1
PB-40	C.250	Robert and Lisa	Farnham	9/12/92	CN
PB-41	C.250	Mr. & Mrs Lawrence	Stevens	9/13/92	A-2; C-10; C-13; E-2

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PB-42	C.251	Glen	Alberigi	9/14/92	ALT-3; ALT-5; A-1; A-5; C-2; C-10
PB-43	C.252	Merry	Alberigi	9/14/92	CN; ALT-5; A-1; A-2; C-2; C-10
PB-44	C.253	Betty A.	Colby	9/16/92	PD-1; ALT-1; ALT-4; A-1; C-1; C-2; C-10; J-1; O-1
PB-45	C.254	Susan & Vince	Lattanzio	9/14/92	CN; ALT-5; B-4; E-1; J-1; J-2; J-6
PB-46	C.255	Susan & Vince	Lattanzio	9/14/92	CN; ALT-5; B-4; E-1; J-1; J-2; J-6
PB-47	C.255	Robert	Matson	9/14/92	E-1; E-6
PB-48	C.256	Maryan	Perin	9/14/92	PD-1; A-5; C-2; C-10; E-1; J-6; K-3
PB-49	C.258	Marge & Peter	Roome	9/14/92	ALT-5; A-1; N-1; N-2
PB-50	C.259	David	Sowers	9/14/92	CN; ALT-4; ALT-5; A-1; C-2; O-1; CUM-1
PB-51	C.260	Elaine	Sowers	9/14/92	ALT-5; C-2; O-1
PB-52	C.261	Daniel	Grinnell	9/15/92	PD-1; B-4; B-5; C-13; N-1
PB-53	C.263	Colleen	McKaughan	9/18/92	CN; ALT-5; A-5; B-4; C-2; F-1; F-3; J-1; N-2
PB-54	C.265	Lisa	Farnham	9/21/92	A-1; A-2; O-4
PB-55	C.266	Robert	Farnham; received	9/14/92	PD-4; A-1; A-2; C-2
PB-56	C.266	Mark & Nancy	Kubik	9/21/92	ALT-5; C-2; C-6; E-3; J-1; MIT-1
PB-57	C.267		Hadfield & Wilson	9/22/92	G-5
PB-58	C.268	Charles	Russell	9/25/92	SEE LETTER PB-354
PB-59	C.268	Peter	Maraccini	9/26/92	CN
PB-60	C.269	David Del Real & Linda	Belanger	10/7/92	ALT-3; A-1; B-5; B-6; B-7; C-5; J-1
PB-61	C.270	Merrill	Louks	10/15/92	CN; C-6; C-10
PB-62	C.271	Jean	Pouteau	10/16/92	ALT-5; B-5; C-2; E-1; G-3; J-1; J-2
PB-63	C.272	Jean	Pouteau	10/16/92	ALT-5; B-5; C-2; E-1; G-3; J-1; J-2
PB-64	C.273	Nick & Anne	Bruno	10/17/92	PD-1; C-2
PB-65	C.273	Rita	Forsyth	10/17/92	B-5; C-13; E-1; E-4; J-1

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PB-66	C.274	Merry & Glen	Alberigi	10/19/92	ALT-5; A-1; B-5; C-2; C-8; E-1; E-4; F-6; J-2; J-6; J-10
PB-67	C.275	Joan	Lindsay	10/19/92	C-2; J-8; K-6
PB-68	C.276	Werner	Lewin Jr.	10/19/92	ALT-5
PB-69	C.277	Cyrus & Zahra	Shadman & Salek	10/19/92	ALT-5
PB-70	C.278	Don	Camiccia	10/20/92	CN; A-2
PB-71	C.279	S. Alan	Cohen	10/20/92	CN; ALT-5
PB-72	C.279	Mark	Kubik	10/20/92	C-8; C-9
PB-73	C.280	Norma Jean	Lukasiewick, Received	10/20/92	GEN-3
PB-74	C.280	Julie & Klaus	Messmer	10/20/92	ALT-5; C-2; C-8; E-1; J-2
PB-75	C.281	Rochelle	O'Haire	10/20/92	C-2; C-10
PB-76	C.281	Leila	Tweed	10/20/92	ALT-5
PB-77	C.282	Norma Jean	Lukasiewicz, Received	10/21/92	GEN-3; C-1; C-10
PB-78	C.282	Peter	Stackpole	10/21/92	ALT-5; B-5; C-2
PB-79	C.283	Donald	White	10/21/92	ALT-5; A-5
PB-80	C.284	Robert & Lisa	Farnham	10/22/92	ALT-4; C-1; D-2; E-2
PB-81	C.285	Bito	Petris	10/24/92	GEN-3; ALT-5
PB-82	C.286	Beverly	Schneider	10/24/92	B-5; C-10; C-13
PB-83	C.287	Jeffrey & Paige	Dietz	10/25/92	ALT-5; B-5; C-1; C-2; C-10; E-1
PB-84	C.288	Herman & Alforetta	Bottini	10/26/92	ALT-5; C-5; C-10; E-1; F-5
PB-85	C.289	Peter	Maraccini	10/26/92	CN; ALT-5; B-1; B-5; O-1
PB-86	C.290	Robert	Jung	10/27/92	ALT-5; C-2; C-10
PB-87	C.291	Donald & Mathilde	White	10/27/92	GEN-3; ALT-5
PB-88	C.292	Glen & Merry	Alberigi	10/28/92	J-8; N-6
PB-89	C.294	Betty A.	Colby	10/28/92	ALT-1, ALT-3; ALT-4; A-1; C-1; C-2; C-10; J-1; J-10; O-1
PB-90	C.296	Leslie & Franco	De Palo	10/28/92	GEN-3; ALT-5; A-1; B-5; C-2; J-1

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PB-92	C.298	Virginia	Hobbs	10/28/92	C-2; E-1; E-5; J-1; N-1
PB-93	C.298	Filippo & Amelia	Lo Coco	10/28/92	ALT-5; B-5; C-6; C-10; E-1; F-6
PB-94	C.299	Lisa & Nicola	Lo Coco	10/28/92	ALT-5; B-5; C-6; C-10; E-1; F-6
PB-95	C.299	Mr. and Mrs. Ed	Moreci	10/28/92	C-2; E-1; E-5; J-1
PB-96	C.300	Marge & Peter	Roome	10/28/92	ALT-5; A-1; A-2; B-4; B-9; C-1; C-2; C-5; C-13; E-1; E-6; N-1; CUM-1
PB-97	C.302	Marge & Peter	Roome	10/28/92	ALT-5; A-1; A-2; B-4; B-9; C-1; C-2; C-5; C-13; E-1; E-6; N-1; CUM-1
PB-98	C.303	Denise	Stevens	10/28/92	C-8
PB-99	C.304	Katrina	Von Staden	10/28/92	B-5; B-9; C-2; C-13; J-1
PB-100	C.305	Shirley	Graves	10/29/92	A-1
PB-101	C.305	Bernard & Simone	Jacobs	10/29/92	GEN-3; E-1; E-8; J-10
PB-102	C.306	Elizabeth S.	Lange	10/29/92	B-9
PB-103	C.306	Susan	Ristow	10/29/92	C-8
PB-104	C.307	Daniel	Baker	10/30/92	K-2
PB-105	C.307	Mary	Bassell	10/30/92	C-8
PB-106	C.308	David & Cathy	Capper	10/30/92	A-1; C-2; C-8; E-1; K-3
PB-107	C.309	David & Cathy	Capper	10/30/92	CN; J-1; J-6; MIT-1
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PB-117	C.314	John	Hanaway	10/30/92	K-2
PB-118	C.315		indiscernible signer (139 Del Oro Lagoon)	10/30/92	C-8
PB-119	C.315	Lois	Jamieson	10/30/92	C-8
PB-120	C.316	J.	Kates	10/30/92	C-8
PB-121	C.316	Vince	Lattanzio	10/30/92	K-2
PB-122	C.317	Mary	Lekonen	10/30/92	A-1
PB-123	C.317	Margaret	Meeks	10/30/92	C-8
PB-124	C.318	Hank	Meyer	10/30/92	C-8
PB-125	C.318	Georgia	Otterson	10/30/92	K-2
PB-126	C.319	David	Pertzin	10/30/92	C-8
PB-127	C.319	Shahen	Sarkissian	10/30/92	K-2
PB-128	C.320	Tom	Scheibal	10/30/92	A-1
PB-129	C.320	Jeanette Rossini	Schofield	10/30/92	A-1
PB-130	C.321	C.	Shadman	10/30/92	K-2
PB-131	C.321	Anita	Sonntag	10/30/92	A-1
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PB-135	C.324	Olga	Young	10/30/92	C-8
PB-136	C.325	George S.	Youngerman	10/30/92	CN; B-5; C-1; C-6
PB-137	C.326	Merry	Alberigi	10/31/92	C-1
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PB-139	C.327	Evelyn	Becker	10/31/92	C-2

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PB-142	C.329	Judith	Brusati	10/31/92	C-1
PB-143	C.329	John	Burnash	10/31/92	C-6; C-8
PB-144	C.330	Nancy	Cabaud	10/31/92	C-6; C-8
PB-145	C.330	Nancy	Cabaud	10/31/92	C-1
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PB-149	C.332	Mr. and Mrs. Juan	Cespedes	10/31/92	C-2
PB-150	C.333	Mr. & Mrs. Juan	Cespedes	10/31/92	D-1
PB-151	C.333	Jane	Chrisman	10/31/92	C-6; C-8
PB-152	C.334	S. Alan	Cohen	10/31/92	C-1
PB-153	C.334	Carter	Collins	10/31/92	A-1
PB-154	C.335	Karen	Curtis	10/31/92	C-2
PB-155	C.335	Leslie & Janet	De Palo	10/31/92	D-1
PB-156	C.336	Doris	Deamand	10/31/92	D-1
PB-157	C.336	Dimitri	Demushkin	10/31/92	C-2
PB-158	C.337	Adrian and Marlene	Fadin	10/31/92	C-2
PB-159	C.337	David & Cynthia	Fadin	10/31/92	C-6; C-8
PB-160	C.338	Cal	Farnsworth	10/31/92	C-5; C-6; C-8
PB-161	C.339	Mr. & Mrs. H.A.	Flertzheim Jr.	10/31/92	ALT-1; ALT-3; ALT-7; B-5; C-2; C-5; C-10; E-1; E-3; M-2; M-3; N-1; N-2
PB-162	C.342	Robert and Linda	Foley	10/31/92	A-1
PB-163	C.342	Robert & Linda	Foley	10/31/92	C-2
PB-164	C.343	Phyllis	Fowler	10/31/92	C-2; J-1

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PB-165	C.343	Jeanne	Fraser	10/31/92	C-2
PB-166	C.344	Maureen	Garner	10/31/92	C-2
PB-167	C.344	Margaret	Garrison	10/31/92	D-1
PB-168	C.345	Margaret	Garrison	10/31/92	A-1
PB-169	C.345	Kathryn	Gibney	10/31/92	C-6; C-8
PB-170	C.346	Kathryn	Gibney	10/31/92	D-1
PB-171	C.346	Erwin & Ingeborg	Grahn	10/31/92	C-6; C-8
PB-172	C.347	Andrea	Grossman	10/31/92	D-1
PB-173	C.347	John	Hanaway	10/31/92	C-1
PB-174	C.348	Tom & Mildred	Harrison	10/31/92	C-6; C-8
PB-175	C.348	Michael	Hatalana, 129 Montego Key	10/31/92	C-1
PB-176	C.349	James	Hollingshead	10/31/92	C-2
PB-177	C.349	Jocelyn	Hughes	10/31/92	A-1
PB-178	C.350	Jacelyn	Hughes	10/31/92	C-5; C-6; C-8
PB-179	C.350	Richard	Hurley	10/31/92	C-1
PB-180	C.351	J.	Husty	10/31/92	C-2
PB-181	C.351	Joan	Hyman-Cohen	10/31/92	A-2; B-5; O-1
PB-182	C.352	Mike	Jacob	10/31/92	C-6; C-8
PB-183	C.352	Claire	Joslin	10/31/92	C-1
PB-184	C.353	Colin	Kosack	10/31/92	C-2
PB-185	C.353	Nancy & Mark	Kubik	10/31/92	C-5; C-6; C-8
PB-186	C.354	Edward & Rita	Laherty	10/31/92	A-1
PB-187	C.354	Susan	Lattanzio	10/31/92	A-2; B-5; O-1
PB-188	C.355	Susan	Lattanzio	10/31/92	C-8
PB-189	C.355	Vince	Lattanzio	10/31/92	A-1

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PB-190	C.356	Susan	Lattanzio	10/31/92	C-1
PB-191	C.356	Vince	Lattanzio	10/31/92	A-2; B-5; O-1
PB-192	C.357	Phillip	Lindquist	10/31/92	C-1
PB-193	C.357	Phillip	Lindquist	10/31/92	D-1
PB-194	C.358	Robert	Lingg	10/31/92	C-6; C-8
PB-195	C.358	Robert	Lingg	10/31/92	A-2; B-5; O-1
PB-196	C.359	Robert	Lingg	10/31/92	D-1
PB-197	C.359	Robert	Lingg	10/31/92	C-1
PB-198	C.360	Robert	Lingg	10/31/92	C-5; C-6; C-8
PB-199	C.360	Robert	Lingg	10/31/92	C-2
PB-200	C.361	Monica	Luis	10/31/92	A-1
PB-201	C.361	Jose	Luis	10/31/92	C-2
PB-202	C.362	Philip	Makin	10/31/92	C-6; C-8
PB-203	C.362	Ernest	Marinelli	10/31/92	A-1
PB-204	C.363	Mary	Marinelli	10/31/92	A-1
PB-205	C.363	Mary	Marinelli	10/31/92	C-5; C-6; C-8
PB-206	C.364	Mary	Martin	10/31/92	C-2
PB-207	C.364	Saneli	Miller	10/31/92	C-1
PB-208	C.365	D.G.	Moore	10/31/92	C-6; C-8
PB-209	C.365	D.G.	Moore	10/31/92	C-5; C-6; C-8
PB-210	C.366	George	Mraz (41 Montego Key)	10/31/92	A-1
PB-211	C.366	Mary	Nastasuk	10/31/92	D-1
PB-212	C.367	Mary	Nastasuk	10/31/92	C-1
PB-213	C.367	Mary	Nastasuk	10/31/92	C-2
PB-214	C.368	Georgia	Otterson	10/31/92	C-6; C-8

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PB-215	C.368	Georgia	Otterson	10/31/92	D-1
PB-216	C.369	Georgia	Otterson	10/31/92	C-5; C-6; C-8
PB-217	C.369	Nick & Carrine	Patrakis	10/31/92	C-6; C-8
PB-218	C.370	David	Pertzin	10/31/92	A-1
PB-219	C.370	A.	Petruzzella	10/31/92	C-2
PB-220	C.371	A.	Petruzzella	10/31/92	D-1
PB-221	C.371	R.L.	Plum	10/31/92	C-2
PB-222	C.372	Louie	Ratto	10/31/92	C-2
PB-223	C.372	Peter	Roome	10/31/92	A-1
PB-224	C.373	Carolyn	Rooney	10/31/92	C-2
PB-225	C.373	Peggy	Rothmuller	10/31/92	C-1
PB-226	C.374	Frenl	Sabella	10/31/92	C-6; C-8
PB-227	C.374	Frenl	Sabella	10/31/92	C-2
PB-228	C.375	Tedford V.	Sands	10/31/92	C-2
PB-229	C.375	Ruth	Silnes	10/31/92	C-2
PB-230	C.376	Terry	Sochet (1117 Bel Marin Keys)	10/31/92	C-2
PB-231	C.376	Terry	Sochet (397 Alameda del Prado)	10/31/92	C-6; C-8
PB-232	C.377	Marie	Sosso	10/31/92	C-1
PB-233	C.377	Christy	Stocking	10/31/92	C-2
PB-234	C.378	Doreen	Taylor	10/31/92	C-1
PB-235	C.378	Nadia	Topciy	10/31/92	E-1; E-4; E-8; J-10
PB-236	C.379	Craig	Truman	10/31/92	A-1
PB-237	C.379	Craig	Truman	10/31/92	C-1
PB-238	C.380	Patrick & Shirley	Twohig	10/31/92	ALT-3; ALT-5; C-2; C-10
PB-239	C.380	Betty	Walthers	10/31/92	C-5; C-6; C-8

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PB-240	C.381	Mat	White	10/31/92	A-1
PB-241	C.381	Carl	White	10/31/92	C-1
PB-242	C.382	Carl	White	10/31/92	A-1
PB-243	C.382	James	Wilson	10/31/92	D-1
PB-244	C.383	James	Wilson	10/31/92	C-2
PB-245	C.383	Lorna	Wuertz	10/31/92	C-5; C-6; C-8
PB-246	C.384	Carter	Collins - submitted	11/1/92	CN; C-2; C-10
PB-247	C.384	Barbara & Edward	Adams	11/1/92	A-1
PB-248	C.385	Merry	Alberigi	11/1/92	ALT-5; J-1; J-3
PB-249	C.385	Tony	Allegra	11/1/92	COR; ALT-3; ALT-7; M-2
PB-250	C.386	Williams	Aubel	11/1/92	ALT-5; J-1; J-3
PB-251	C.386	Dominic	Bramante	11/1/92	ALT-5
PB-252	C.387	Duane	Buschow	11/1/92	ALT-5; J-1; J-3
PB-253	C.387	Mr. and Mrs. Juan	Cespedes	11/1/92	J-1; J-3
PB-254	C.388	Mr. & Mrs. Juan	Cespedes	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-255	C.389	Carmen S.	Chalfant	11/1/92	ALT-3; ALT-7
PB-256	C.390	John	Chalfant	11/1/92	CN; M-4
PB-257	C.390		Christine (185 Caribe Isle)	11/1/92	C-2
PB-258	C.391		Clark (109 Caribe Isle)	11/1/92	COR; ALT-3; ALT-7; M-2
PB-259	C.391	Betty A.	Colby	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-260	C.392	Paige	Dietz	11/1/92	ALT-5; J-1; J-3
PB-261	C.392	John	Donald	11/1/92	C-2
PB-262	C.393	Shahraz	Emami	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-263	C.393	June	Engle	11/1/92	A-1
PB-264	C.394	Robert	Farnham	11/1/92	CN; ALT-3; O-1; MIT-1

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PB-265	C.398	Maxine & James	Foulds	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-266	C.398	Dianna	Freeman	11/1/92	C-2
PB-267	C.399	Margaret	Garrison	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-268	C.399	Kathryn	Gibney	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-269	C.400	Carolyn & Charles	Grant	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-270	C.400	Daniel	Grinnell	11/1/92	SEE LETTER PB-42
PB-271	C.401	Andrea	Grossman	11/1/92	GEN-2; C-10; C-13
PB-272	C.401	John	Hanaway	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-273	C.402	John	Hanaway	11/1/92	J-1; J-3
PB-274	C.402	James & Rosa	Hart	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-275	C.403	Michael	Hatalana 129 Montego Key	11/1/92	COR; ALT-3; ALT-7; M-2
PB-276	C.403	Mary	Hewitt	11/1/92	C-2
PB-277	C.404	Glenn	Jamieson	11/1/92	ALT-5; J-1; J-3
PB-278	C.404	Jefy	Joey (128 Caribe Isle)	11/1/92	J-1; J-3
PB-279	C.405	Amir	Khalighi	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-280	C.405	John	Knebel	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-281	C.406	G.F.	Kroneberger (received via FAX)	11/1/92	CN; GEN-3; PD-1; C-2; C-4; I-2; K-8
PB-282	C.409	K.P.	Kurben (208 Caribe Isle)	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-283	C.410	Carl & Alice	Larkin	11/1/92	J-1; J-3
PB-284	C.410	Susan	Lattanzio	11/1/92	A-1
PB-285	C.411	Vince	Lattanzio	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-286	C.411	Debbie	Lepas	11/1/92	GEN-3; A-1; B-5; J-1
PB-287	C.412	Luzette	Levy	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2

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PB-289	C.413	Ernest	Marinelli	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-290	C.413	Margaret	Meeks	11/1/92	J-1; J-3
PB-291	C.414	Diana	Michals	11/1/92	COR; ALT-3; ALT-7; M-2
PB-292	C.414	Diana	Michals	11/1/92	ALT-5
PB-293	C.415	Kathy	Miner	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-294	C.415	Elisabeth	Obermeier	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-295	C.416	Elisabeth & Fred	Obermeier & Bryant	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-296	C.416	O.	Osterlund	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-297	C.417	Helen	Osterlund	11/1/92	C-2
PB-298	C.417	Z.	Ozkan (89 Calypso Shores)	11/1/92	A-1
PB-299	C.418	Tim	Patrakis	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-300	C.419	Nick & Carrine	Patrakis	11/1/92	ALT-5
PB-301	C.419	Nick	Patrakis	11/1/92	COR; ALT-3; ALT-7; M-2
PB-302	C.420	Tony	Petruzzella	11/1/92	J-1; J-3
PB-303	C.420	Jean M.	Pouteau	11/1/92	CN; GEN-1; A-2; B-5; B-7; C-2; C-3; D-1; J-10
PB-304	C.423	Johnny	Pye (128 Caribe isle)	11/1/92	J-1; J-3
PB-305	C.423	Peter	Roome	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-306	C.424	Peter	Roome	11/1/92	COR; ALT-3; ALT-7; M-2
PB-307	C.424	Deborah	Rowland	11/1/92	CN; PD-1; A-2; B-9; C-1; C-4; C-5; C-8; D-1; E-5; G-3; J-1; K-3; CUM-3
PB-308	C.425	Roger & Sue	Roy	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-309	C.425	Shahen	Sarkissian	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-310	C.426	Linda	Scheibal	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2

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PB-311	C.427	David & Elaine	Sowers	11/1/92	PD-1; ALT-3; ALT-4; ALT-5; ALT-7; A-2; A-3; A-4; B-7; C-1; F-1; CUM-1
PB-312	C.429	Heide	Van Nellen	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-313	C.429	Vera	Weles	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-314	C.430	Lorna	Wuertz	11/1/92	A-1
PB-315	C.430	Lorna	Wuertz	11/1/92	COR; ALT-3; ALT-5; ALT-7; M-2
PB-316	C.431	Priscilla	Yates	11/1/92	COR; ALT-3; ALT-7; A-1; C-2; C-8; M-2
PB-317	C.431	Peter & Arlene	Angelonides, undated submitted	11/2/92	CN; J-10
PB-318	C.432	Peg	Atherton, undated submitted	11/2/92	CN; C-2
PB-319	C.432	Joseph	Cerdan, undated submitted	11/2/92	CN; J-10
PB-320	C.433	Victoria W.	Clarke	11/2/92	CN; J-10
PB-321	C.433	S. Alan	Cohen, undated submitted	11/2/92	ALT-3
PB-322	C.434	J.R.	Coleman & Company	11/2/92	CN; GEN-3; E-3; N-1
PB-323	C.436	Jean	Docommun, undated submitted	11/2/92	CN; J-10
PB-324	C.436	Herb	Eisenbruch, undated submitted	11/2/92	CN; C-2
PB-325	C.437	David & Cynthia	Fadin - undated submitted 11/2/92	11/2/92	CN; J-10
PB-326	C.437	Robert & Linda	Foley, undated submitted	11/2/92	CN; J-10
PB-327	C.438	Linda	Foley, undated submitted	11/2/92	ALT-3
PB-328	C.438	Mike	Fontana	11/2/92	ALT-3
PB-329	C.439	Robert W.	Forsyth	11/2/92	ALT-3; ALT-4; A-1; C-1; C-2; C-3; C-9; C-10; E-1; E-2; E-6; J-1; J-6; K-6; N-2; N-5
PB-330	C.441	Margaret	Garrison, 2 letters undated submitted	11/2/92	ALT-3
PB-331	C.441	Margaret	Garrison, undated submitted	11/2/92	CN; C-2
PB-332	C.442	Lisa	Gilkey	11/2/92	CN; O-1; O-2
PB-333	C.442	Mr. & Mrs. Larry	Gill	11/2/92	ALT-3

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PB-334	C.443	John	Hanaway, undated submitted	11/2/92	ALT-3
PB-335	C.443	John	Hanaway, undated submitted	11/2/92	CN; J-10
PB-336	C.444	Tom & Mildred	Harrison	11/2/92	CN; J-10
PB-337	C.444	Joan	Hyman-Cohen, undated submitted	11/2/92	CN; J-10
PB-338	C.445	M.W.	Knowles, undated submitted	11/2/92	CN; J-10
PB-339	C.445	Susan & Vince	Lattznio, undated submitted	11/2/92	ALT-3
PB-340	C.446	John & Sandra	Lauer	11/2/92	GEN-3; PD-2; ALT-5; C-2; J-1; J-2; J-6; N-5
PB-341	C.449	LeRoy	McGinnis, undated submitted	11/2/92	ALT-3
PB-342	C.449	Betty	Norris	11/2/92	CN; J-10
PB-343	C.450	Walter	Norris, undated submitted	11/2/92	CN; J-10
PB-344	C.450	Matthew	Peterson, undated submitted	11/2/92	CN; J-10
PB-345	C.451	Marge	Roome,undated submitted	11/2/92	ALT-3
PB-346	C.451	Peter	Roome- undated submitted 11/2/92	11/2/92	CN; C-2
PB-347	C.452	Frances	Rosenstein, Received	11/2/92	Letter Missing
PB-348	C.452	Linda	Scheibal undated submitted 11/2/92	11/2/92	CN; J-10
PB-349	C.453	C.	Shadman,undated submitted	11/2/92	ALT-3
PB-350	C.453	Alice & John	Sherry, undated submitted	11/2/92	ALT-3
PB-351	C.454	Christy	Stocking, undated submitted	11/2/92	CN; J-10
PB-352	C.454	David & Rosa	Woo, undated submitted	11/2/92	CN; C-2
PB-353	C.455	Lorna	Wuertz,undated submitted	11/2/92	CN; J-10
PB-354	C.455		Russell Family, undated	11/23/92	GEN-3; C-2; C-10; J-1; J-8
PB-355	C.456	Patty	Harper, undated	11/23/92	PD-1; B-8; B-10

	Page Number	
	Volume One	Volume Two
COR. CORRECTIONS		4
The following corrections have been suggested by various commentors in their review of the Draft EIR/EIS. The correction suggestions are organized by Chapter or Section in Volumes One and Two of the Draft.		
VOLUME ONE - DRAFT EIR/EIS		
SUMMARY	S.1	4
Page S.10. The second bullet under cumulative project effects must include loss of endangered species habitat.	S.11	4
Page S.11. The FEIR should clarify that any reduction in the LOS at the Alameda del Prado/southbound Highway 101 ramps would primarily be caused by a Hamilton project. See evidence on Page S.16.	NA	4
Page S.14. Bullet 8 is conversion of agricultural land which is considered farmland of local importance. This significant effect (loss of agricultural land) should also appear in D. Irreversible and Irretrievable Commitment of Resources.	5.16	4
Page S.66. Impact K.5 - In the event of Bel Marin Keys Blvd. road closure a single site access to the BMK5 community would adversely affect the ability of the Novato Fire Protection District (NFPD) and others to provide emergency services. This impact is Class 1 if Hamilton Air Force Base (HAFB) is in operation.	NA	5
INTRODUCTION	1.1	5
Page 1.7, description of Chapter 4. The text of this section is not as described. There is no tabular format for easy evaluation and no cross referencing of inconsistencies, only mitigations.	4.1	5
PROJECT DESCRIPTION	2.1	5
My own short road is not on the site map. (Bermuda Harbor) I cannot tell the orientation of the new road in relation to my home.	NA	5
Page 2.15, Figure 2.A-8. The 200' Buffer Zone is not shown for the existing property. The actual water-ski area is much smaller than shown. The Secondary Skiing Zone will not be completed before Phase 3.	2.26	5

NA = Not Applicable. No text changes in Volume One were made.

Index of Responses To Comments

	Page Number	
	Volume One	Volume Two
ALTERNATIVES ANALYSIS	3.1	5
Page 3.11. There appears to be a computational error in the analysis of the Alternative Residential Development alternative. The estimated revenue should be $1,997,622 (vs. $697,061), and the fiscal impact is a net revenue gain of $307,440 versus a loss of $1,009,032.	3.14	5
Page 3.12. There seems to be some inconsistencies/confusion on trade-offs between internal and external trips.	NA	6
Page 3.39. Table 3.D-1 should have the same identifying numbers on the Impacts as the text and the Summary. The Policy numbers should also appear. In addition, for Impacts A-5, A-7 and D-1 the Class I portion is not in the table.	NA	6
Page 3.48. The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss. Correct the table.	3.61	6
BIOLOGY		
Pg. 5.11. OG-9 - The statement (para. three, p. 5.11), that the antennae field north of Novato Creek is not owned by the USFWS is in error. It is owned by the State of California. Ownership is correctly shown on Figure 5.A-1, p. 5.2 and Figure 5.B-1, p. 5.12.	5.11	7
There is a grove of eucalyptus trees on the Jack West Property which serves as a roosting place for thirty Great White Herons. The current site map does not show if this grove is to be saved.	5.17	7
TRAFFIC		
Figs: The new northbound on-ramp from Nave Drive is shown on all the figures located south of the existing northbound off-ramp which is not consistent with the PSR.	2.7	7
Figure on page 5.110 shows McInnis Parkway going through Pacheco Pond. This, of course, is totally unacceptable.	NA	7
Page 5.54. For location #6, under Existing Traffic Flows, southbound should be changed to northbound.	5.59	7

(continued)

NA = Not Applicable. No text changes in Volume One were made.

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Page 5.61. "Ignacio Blvd. and Northbound 101 Off-ramp" should be On-ramp.	5.68	7
Page 5.75. In Table 5.C-5 there appears to be a significant discrepancy in the trip generation rates between the retail space in Project #9, Vintage Oaks, and the proposed Bel Marin Keys retail space. This discrepancy in generation rate comparison needs to be investigated further.	NA	8
Page 5.77. Wilbur and Smith Associates is listed as the source for the trip distribution assumptions in Table 5.C-6. This contradicts an earlier reference to the "research" that sources the Transportation Research Board Highway Capacity Manual, Special Report 209, 1985, Chapter 10. Which is the correct source?	5.82	8
Page 5.93. The assumptions for calculations of the Level of Service (LOS) are not compatible with the proposed lane configurations. For Impact number C.3, page 5.93, (Ignacio Blvd/Northbound 101 ramps) CalTrans used the traffic volumes shown in Figure 5.C-14 and the mitigations proposed in Figure 5.C-19. We recalculated the LOS for location number 3. We found that under cumulative conditions, the LOS will be between E and F, not C or D (AM and PM, respectively).	5.100; 5.113; 5.139; 5.141	8
Page 5.99. The following projects have received initial land use approval and should be moved from Table 5.C-13 to Table 5.C-5 (page 5.75): 4, 5, 7, 8, 9, 11, 12, 14 and 17.	NA	9
Page 5.54 (et. al.). The traffic studies and nomenclature are very confusing with respect to intersections. The ramp for northbound traffic at BMK Blvd. and 101 is not an Ignacio Blvd./101 ramp, it is a BMK Blvd./101 ramp. I assume that Ignacio Blvd. ends at the center of the freeway if not before. I also assume that the traffic referred to is not Eastbound Ignacio Blvd. traffic turning north at the BMK Blvd./NB 101 ramp. Please make the necessary corrections for clarity.	NA	9
The following minor corrections are provided with regard to the description of GGT service: Route 1 operates beyond Indian Valley Colleges to downtown Novato; Route 48 operates southbound only during the morning commute period and does not service the Ignacio or Alameda del Prado bus pads.	5.70	9

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The cumulative conditions on the existing network result in the greatest impact to the study intersections with four of the five intersections exhibiting LOS F in the PM peak hour. Only Nave Drive and the U.S. 101 northbound off-ramp exhibit a LOS better than F at C. When the analysis moves to the ultimate street system, the trips are redistributed with 35 percent of the total southbound trips using McInnis Parkway rather than U.S. 101 to and from San Rafael and southern Marin County. At this point the text becomes unclear in that it states, "In addition, an estimated 12 percent of southbound, and 20 percent of northbound commercial trips were assigned to McInnis Parkway." As the text previously stated that 35 percent of the total southbound trips were redistributed to McInnis, I do not understand what is meant by an additional 12 percent of commercial trips were reassigned to McInnis Parkway. Does this indicate a total of 47 percent of southbound trips or does it mean 35 percent of the total plus an additional 12 percent of commercial trips only? A clarification should be requested on this item as it affects the number of trips on the network and at the study intersections, possibly altering the levels of service.	5.115	10
CHAPTER 5.E, HYDROLOGY, DRAINAGE AND WATER QUALITY		
Page 5.149. The last sentence of the second full paragraph, "There is no treated sewage discharged to Novato Creek", is in error. There is an overflow from the Novato Sanitary District pumps into Novato Creek. We observed discharge into the Creek on numerous occasions during our surveys of the site.	5.170	10
Page 5.153. Bottom of page - the statement regarding approval of the "ultimate channel" is incorrect. The ultimate channel is approved by Policy.	NA	10
Page 5.155. What is the proper reference number for creek widening? The number 10 is incorrect.	5.183	10
Page 5.156. P3: Statement regarding FCD fiscal responsibility should be added to Mitigation and Fiscal Analysis.	5.310	11
Page 5.157. P2: Penultimate sentence: What does "require waste discharge requirements" mean?	NA	11
CHAPTER 5.N, FISCAL ECONOMICS		
Page 5.284. In the summary of fiscal impacts on page 5.284, annual expenditures include an estimated $744,412 attributable to the Novato Fire Protection District. However, in the summary of annual revenues, the estimated $882,082 in newly generated property taxes that would accrue to the Fire District are omitted. The $1.3 million in property taxes included in the table are those that would accrue to the County's General Fund and are exclusive of property taxes distributed to other servicing districts.	5.311	11

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VOLUME TWO - TECHNICAL APPENDICES		
APPENDIX B, MITIGATION MONITORING AND REPORTING PROGRAM		
There should be a table listing all the Impacts, by number only, and whether they are Class I, II, or III, and the Mitigation Measure Designation if there is any. This will provide a cross check for omissions.	NA	11
Page 30. Mitigation (M) K.5: Which access road is the emergency access road? The access road that provides a second emergency entrance to BMK will be the road through Hamilton. The Highway 37 connector is necessary for access from the highways, but the road through Hamilton provides the BMK community access. Change mitigation to specify second access through Hamilton also. Impact is Class II for highway 37 but Class I for Hamilton road. Timing: specify prior to construction for the Hamilton road since construction equipment could wipe out the bridge on BMK Blvd. at Pacheco Pond.	NA	12
Page B-16, K.6. Add second bridge over existing lock to mitigation.	NA	12
APPENDIX E		
Sheets containing signalized intersection capacity analysis in Volume 2/Appendix F should be numbered for easier comparison to tables and figures in Volume 1. It is noted that there are inconsistencies in comparing data for intersection 3. The volumes and traffic configurations are not consistent, therefore they are not reliable.	NA	12
Volume 2, page C.18, Table C.1-4. The LOS of signalized intersections 2, 3, and 4 are not correct. The table must be corrected.	NA	13
CN. COMMENTS NOTED A number of comments raised by reviewers are simply declarative statements expressing a particular viewpoint or providing a point of information. These are regarded in the EIR/EIS as "comments noted", indicated as such by the coding, CN.	NA	14

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	Volume One	Volume Two
GEN. GENERAL COMMENTS	NA	14
Comment GEN-1: EIR/EIS Clarity. *A number of commenters provided general statements on style of presentation and suggestions for improving clarity. The key suggestions made include:*	NA	14
• *A summary of the EIR/EIS and a system of wide distribution is needed to allow citizens throughout the County to become better informed. The existing EIR takes too long to read for the average citizen.*	NA	14
• *With respect to information dispersal: A brief (10 page?) summary of the important items of the EIR should be made available to affected parties. This should contain many one-liners with a yes or no with respect to the questions that have been raised.*	NA	14
• *Section 4 (Consistency with Applicable Plans and Policies) was very difficult to read, primarily due to the organization of the information. In future EIRs, the preparer review the Lucasfilm EIR for a more readable and understandable format for this type of information. A table-style summary would be immensely useful.*	NA	14
• *Section 5 could benefit from reorganization as well. Put mitigations next to the relevant discussion of the impact, not a page or two later. This section was very difficult to read in a practical sense. Its organization forced the reader to flip back and forth through pages, which causes frustration and is time consuming. The summary was easier to read to get this information.*	NA	16
Comment GEN-2: Adequacy of the EIR Process. *One commentor asked if this project had been adequately reviewed by all appropriate agencies. The oral comments made by the BMK CSD Board at the NOP hearing are not evident in the DEIR/EIS.*	NA	16
Comment GEN-3: General Project Approval/Opposition. *Many commentors voiced general support of or opposition to either the project as a whole or to certain project components. In some instances these statements contained general references to environmental concerns (e.g., "too much traffic").*	NA	17
Comment GEN-4: Off-site Setting. *Provide descriptions , figures for off-site setting (context): e.g., topography, resource values.*	5.2; 5.12	18

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NA = Not Applicable. No text changes in Volume One were made.

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PD. PROJECT OBJECTIVES/DESCRIPTION	2.1	18
Comment PD-1: Project Description Clarifications. *Expand Project Description - text and illustrations - for the following:* • *locations for community center, fire station, boat storage, swimming pool, school park;* • *institutional uses for 7-acre parcel north of BMK Blvd.;* • *perimeter road, in re function as primary levee;* • *relationship of (existing) outer levee to project actions;* • *elevations of peninsulas, golf course, lagoon water level;* • *Port Sonoma Ferry (see also Transportation and Circulation);* • *second access roadways (see also Transportation and Circulation);* • *flood control channel (see also Hydrology and Water Quality);* • *mudflat/dredge disposal habitat and seasonal managed marsh/agricultural site:* • *design, operation, and maintenance; long-term responsibilities (See also Biology and Wetlands)* • *distribution of public vs. private open space recreation facilities;* • *description of below-market-rate and affordable housing (See also Population, Housing and Employment, below); and* • *source(s) of fill and quantities by Phase; mode of transport.*	2.1	18
Comment PD-2: Project Phasing. *Provide description of specific and detailed milestones for and key activities w/in each phase.*	2.34	18
Comment PD-3: Program/Project Analysis. *Provide further discussion: project vs. program-level analysis.*	NA	19
Comment PD-4: Project Objectives. *Provide further discussion of project objectives.*	NA	20
ALT. ALTERNATIVES	3.1	21
Comment ALT-1: On-site Alternative Diagrams. *Present schematic layout and summary site analysis for the six on-site development alternatives and variants. These should include, minimally, 1) locations of all major project components, 2) primary local circulation pattern, 3) location of developed areas in relation to jurisdictional wetlands, and 4) location of buffers.*	NA	21

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NA = Not Applicable. No text changes in Volume One were made.

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Comment ALT-2: Relationship to 404(b)(1) Alternatives Analysis. *Describe the relationship between 404(b)(1) alternatives and the alternatives considered in the EIR/EIS. Summarize the alternative sites analyzed and conclusions of the draft 404(b)(1) alternatives analysis submitted by the Project Sponsor to the Corps of Engineers. Why are the off-site alternatives examined in the Project Sponsor's 404(b)(1) analysis different than those considered in the EIR/EIS? Define "water dependency" and "least environmentally damaging practicable alternative" as they relate to the Clean Water Act Section 404 process. Because this is an EIS, it must meet Section 404 requirements. The criteria established in the EIR/EIS to identify and screen alternative sites are unduly restrictive or inappropriate.*	NA	21
Comment ALT-3: Additional Impacts of Alternatives. *Supplement impact analyses as necessary to insure that all alternatives are analyzed and compared at an equal level of detail, including:* • *quantities and impacts of excavation and fill for all development alternatives* • *methods for and impacts of flood control* • *wetland impacts and ability to buffer sensitive habitats* • *wildlife impacts as determined through HEP analysis* • *fiscal impacts* • *water skiing safety* • *effects on community character* • *construction phasing and schedule* • *mitigation measures for all potentially significant impacts*	3.1	23
Comment ALT-4: Additional/Modified Alternatives. *Other on- and off-site alternatives should be considered in the EIR/EIS to provide for a reasonable range of possibilities. Also, modifications to some of the alternatives presented in the DEIR/EIS should be considered and evaluated. The additional alternatives or modifications to current alternatives include:* • *On-site:* - *"EA Alternative" (i.e. one that restricts development to the Headquarters Hill area)* - *Mitigated Project Design Alternative with more mitigation* - *"Balanced Alternative" (essentially the Mitigated Project Design Alternative with between 160 and 805 units).*	3.1	24

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- *Alternate Reduced Size Alternative (i.e. approx. 80 units in Headquarters Hill area with no new lagoon)* - *Modified Project to Address BMK Community water skiing and public safety concerns.* - *Status Quo Alternative with Golf Course* - *No Golf Course in any alternative* • *Off-site:* - *Hamilton Field or Renaissance Estates properties as off-site alternative* - *Alternative with Commercial Retail in existing BMK Industrial Park* - *Alternative using basic F-2 Zoning*		
Comment ALT-5: Project Size. *The project as proposed is too big and out-of-scale with the existing BMK community. The size of the project itself results in unacceptable impacts on the environment, including traffic, wildlife, and public safety.*	NA	25
Comment ALT-6: On-site Alternatives Impact Analysis. *Some impacts of the on-site alternatives as described in the DEIR/EIS are either missing or inaccurate. These include:* • *the school and fire station are not needed for the Reduced Size Alternative; therefore, the fiscal impact would be positive, not negative.* • *no dredge disposal site would be provided under any alternatives except for the Mitigated Project Design and Higher Density Alternatives.*	3.7; 3.13; 3.22; 3.29; 3.33; 3.38; 3.44; 3.50	26
Comment ALT-7: Favor/Oppose Alternatives. *A number of commentors indicated either their support for a certain alternative described in the DEIR/EIS. A number of commentors expressed support for the Reduced Size Alternative, others supported the Open Space/Agriculture Alternative, and a few supported the Mitigated Project Design Alternative. Other commentors expressed disfavor of any alternative that does not include a lagoon.*	NA	26

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A. LAND USE/PLANS AND POLICIES COMMENTS	4.1; 5.1	27
Comment A-1: Relationship of EIR/EIS to Environmental Assessment. *The Bel Marin Keys Unit 5 property was evaluated in an Environmental Assessment (EA) in 1990. The EIR/EIS does not make reference to the EA nor appear to conform with its findings. The FEIR/EIS should describe the relationship between the EA and the EIR/EIS, summarize the findings of the EA and identify where the EIR/EIS agrees and disagrees, and indicate to what extent the proposed project addresses the concerns and issues identified in the EA.*	NA	27
Comment A-2: Consistency with the Countywide Plan. *With regard to the comment that DEIR/EIR did not address housing needs in the unincorporated County, the reader is referred to the response to Comment O-2 in this document. The consistencies and/or inconsistencies of the proposed project with certain policies contained in Countywide Plan, especially the Bayfront Conservation Zone (BFC), should be reexamined in the FEIR/EIS.*	4.1; 5.208	31
Comment A-3: Relationship of BMK5 to Sonoma County and Novato General Plans. *The relationship between the Project, and its consistency with, provisions of the Sonoma Countywide Plan and the Novato General Plan should be discussed and clarified. What other permits would be required for the Port Sonoma Marin Ferry?*	NA	40
Comment A-4: Consistency with Federal and State Laws and Regulations. *The proposed project must be consistent with applicable federal and state statutes, plans, and regulations. The EIR/EIS should include a complete listing of responsible and interested agencies and summarize their authority relevant to the project. Several comments request further clarification of the following agency concerns and requirements:*	NA	41
Comment A-5: Impact of Community Center on Residential Community. *The need for and impacts of the commercial center should be analyzed.*	NA	43
B. BIOLOGICAL RESOURCES COMMENTS	5.11	44
Comment B-1: Extent of Jurisdictional and Nonjurisdictional Wetlands on the Property. *Commentors noted the following points and requested clarification and amplification:*		44

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• *The amount of wetlands (116 acres) determined by the U.S. Army Corps of Engineers (COE) to be within their jurisdiction under Section 404 (Clean Water Act) appears to understate the real extent of seasonal wetlands on the site.*	5.24	44
• *The differences in interpretation of wetland jurisdiction, i.e. between U.S. Army Corps of Engineers' (COE) 1985 determination, and that of Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), and (California) State Water Resources Control Board (SWRCB) should be explained.*	5.24	45
• *The extent of COE's Section 10 (Rivers and Harbors Act, 1899) jurisdiction should be shown on a map.*	5.29	45
• *Farmed areas are subject to seasonal ponding ("part-time swamp," according to one commentor) following significant rainfall. Although not subject to Section 404 jurisdiction, they provide important habitat for shorebirds and waterfowl and other seasonal wetland habitat that enhances the overall habitat value of the cultivated lands.*	NA	45
• *Mitigation should be recalculated to include Section 10 losses in addition to Section 404, to account for historic as well as existing wetland losses.*	5.43	45
Comment B-2: Regional Reduction of Seasonally Important Wildlife Habitat, and Precedent-setting Nature of Project in North San Pablo Baylands. *Commentors request additional analysis of the following points:*		46
• *How does the site function as part of seasonal wetland habitats of the North Bay region?*	5.38	46
• *What are cumulative and/or precedent-setting impacts of the proposed Project on migratory waterfowl and shorebird species using the Pacific Flyway, on endangered species, and on seasonally important wildlife habitats of North Bay? Impacts should be assessed in relation to adjacent sites.*	NA	46
• *Mitigation B-2 ("The SPONSOR PROPOSED enhancement of 247 acres of seasonally flooded agricultural fields and 377 acres for 'managed shorebird habitat', plus anticipated use of lagoon areas by diving and dabbling ducks, does not constitute adequate mitigation for the long term regional reduction of habitat.") states that Developer's proposed mitigation cannot adequately mitigate this impact. What is an alternative mitigation that would be more successful? If there is such a mitigation it should be stated.*	5.39	47

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• *The finding that conversion of baylands (by the Project) would result in a regional reduction of seasonally important habitat for migratory waterfowl, shorebirds, and raptors is contradicted by statements elsewhere in the DEIR/EIS. This contradiction should be explained.*	NA	48
Comment B-3. Off-site Project Components. *Several off-site components of the project require more information on location and design for adequate analysis of impacts and mitigations. These include: Port Sonoma-Marin Ferry; "Second access" routes: to Hamilton Field, and Hamilton Drive extension to State Route 37; shuttle bus and light-rail stations; and the Novato Creek Bypass flood control alternative.*	5.44	50
Comment B-4: On-site Habitat Components, Habitat Creation/Restoration. *Several habitat components, including habitat creation/restoration, are proposed as mitigation for filling jurisdictional wetlands. According to commentors, information on these components in the DEIR/EIS is insufficient to permit adequate analysis of impacts to biological resources and wetlands. These components include: shorebird mudflat habitat; seasonal freshwater marsh with farming use; and alternative tidal restoration.*	NA	54
Comment B-5: General Wetland, Aquatic, and Other Habitat Values on the Site. *A wide variety of questions, based on differing opinions, were raised by commentors concerning impacts of the project on general wetland, wildlife and aquatic habitat values on the site, with request for further discussion and analysis.*	5.25; 5.46	57
Comment B-6: Impacts To Endangered and Threatened Species. *Activities that could affect threatened and endangered species would include the following: construction, maintenance, and operation of the navigation lock in Novato Creek and impacts on associated aquatic and salt marsh habitats; maintenance dredging in Novato Creek; boating activity; and public access on levees and roads.*	5.25; 5.46	60
Comment B-7: Other Special Status Species. *Other special status species may receive indirect impacts from the Project. Species include green sturgeon, long-fin smelt, winter run chinook salmon, golden eagle, saltmarsh yellowthroat, and tricolored blackbird. Commentors note the following:*	NA	60
• *Appropriately-timed surveys should be conducted by qualified biologists to determine whether the proposal would adversely affect these species. The results of surveys should be included in the final document.*	NA	60

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• *Results of surveys of sensitive plants should be included in the FEIR/EIS.*	NA	60
Comment B-8: Impacts To Trees On Property. *The location of trees on the property should be mapped, their condition evaluated, and potential losses assessed.*	5.17	61
Comment B-9: Temporal Impacts During Project Phasing.	2.34	62
• *During the projected nine year construction period, will temporal losses of habitat occur prior to the time that mitigation programs are implemented? Does mitigation take these into account these temporal losses, and what means would be employed to minimize such losses?*		
• *Mitigation areas should be created in advance of, or at least concurrently with, development construction activities, to maintain wildlife habitat values in the project area.*		
Comment B-10: Mitigation Measure Contingency. *Implications of potential loss of funding by the Project Sponsor prior to implementation of mitigation programs.*	NA	62
Comment B-11: Other Wetland Impacts	NA	62
Comment B-12: Dredge Disposal Alternative. *What alternative site or sites might be considered, or what management alternatives, to avoid using shorebird habitat for dredge material disposal.*	NA	63
Comment B-13: Novato Creek/San Pablo Bay Impacts. *Potential effects on salt marsh habitat in Novato Creek from urban runoff into creek and wetlands should be more fully described. Cumulative impacts of the project on Novato Creek and San Pablo Bay water quality and biota, due to increased flushing and dredging, should be discussed. The DEIR/EIS is speculative in stating that there would be a significant decrease in biological resource values within the Creek as a result of the Project.*	NA	63
Comment B-14: Mitigation Monitoring and Reporting. *The Mitigation Monitoring and Reporting Program should provide more explicit assurances that mitigations will be implemented and how they will be implemented. Specific success criteria for hydrology, vegetation, invertebrate community development, wildlife use, etc., should be clearly defined and a contingency plan developed that discusses possible remedial measures to be undertaken during monitoring period to ensure achievement of criteria..*	NA	63

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C. TRANSPORTATION COMMENTS	5.57	64
Comment C-1: Ferry. *The description, feasibility and impacts of the proposed ferry service should be discussed in greater detail.*	2.9	64
Comment C-2: Second Access Roadways. *The description, feasibility, and impacts of the proposed second access roadways should be discussed in greater detail.*	5.73	67
Comment C-3: Light Rail Station. *There should be further description, discussion, and evaluation of the proposed light rail station.*	5.147	69
Comment C-4: Shuttle Bus. *There should be further description, discussion, and evaluation of the proposed shuttle service.*	5.140	71
Comment C-5: Traffic Analysis Methodology. *The traffic analysis in the EIR/EIS does not use the best and latest methodology (Transportation Research Board Special Report 209-1985) in analyzing the capacity of signalized intersections. In addition, the trip generation and distribution methodology used in the EIR/EIS needs to be explained and justified.*	5.60; 5.88	72
Comment C-6: Highway 101 Mainline. *Impacts and mitigation for project effects on mainline Highway 101 traffic require further discussion and clarification. The cumulative impacts of increased traffic on mainline Highway 101 traffic must be considered significant. Providing improvements (e.g. additional ramp lanes, signalization) to the Highway 101 interchanges in the project area does not mitigate mainline traffic impacts.*	NA	74
Comment C-7: Highway 101 Interchanges. *The potential impacts to Highway 101 interchanges south of the Alameda del Prado Interchange of constructing the McInnis Parkway need to be assessed.*	5.99	76
Comment C-8: Cumulative Impacts. *The cumulative traffic analysis requires further discussion and clarification, particularly when considering the ultimate street system.*	5.105	76
Comment C-9: Mitigation Measures. *Mitigation measures for project traffic impacts as opposed to mitigations for cumulative project impacts need to be more clearly distinguished in the EIR/EIS. Measures aimed at reducing peak period vehicle trips should be quantitatively analyzed. In addition, the financial responsibility for all mitigation measures needs to be clearly defined. In particular, costs for and funding of the "ultimate street system" needs to be quantified and the proportional share of the Project Sponsor determined.*	5.99	77

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Comment C-10: Local Intersections. *The increased traffic levels that would occur near the entrance of the existing BMK development should be analyzed as part of the local intersection discussion.*	5.68	77
Comment C-11: Bike Path System. *More detail on the proposed bike path system within the Unit 5 area is necessary.*	5.73	78
Comment C-12: Perimeter Road Maintenance. *Describe the maintenance frequency of the proposed perimeter levee road. What kind of maintenance would be required and how would it be done?*	NA	79
Comment C-13: Emergency Access, Safety and Parking.	5.104	79
• *What would be the likelihood of opening the emergency road/retractable bridge for daily use?*		
• *What benefits and detriments would result from such daily use?*		
• *As the Perimeter Road will not be completed until Phase 3, how will emergency access be provided for to Unit 5 from Bel Marin Keys Boulevard?*		
• *More discussion is needed on safety aspects of Perimeter Road design, including consideration of incorporating a wide median strip.*		
• *A parking analysis of the proposed Unit 5 development is needed. Also how will parking be affected in the Bel Marin Keys Industrial Park by any additional lanes provided on Bel Marin Keys Boulevard to accommodate the Unit 5 project?*		
D. GEOLOGY, SOILS AND SEISMICITY	5.157	82
Comment D-1: Fill Placement/Settlement. *Provide additional impact analysis of required quantities and engineering of fill and predicted settlement including historic settlement and state-of-the-art techniques to minimize settlement; requirement of additional fill; settlement of perimeter road elevation and maintenance issues; quality of imported fill; secondary impacts of importing fill - trucks, noise, safety, air quality etc.; elevation of existing homes on Unit 2 and 3 lagoons; necessary reduction in earthwork to comply with Countywide policies; impacts of raising the perimeter levee 4 feet; and, clarify Tables 5.D-1 and 5.D-2 including theoretical nature of portions of the analysis.*	NA	82

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Comment D-2: Site Seismicity. *Provide additional analysis concerning site seismicity: e.g., description of seismic event of highest magnitude and longest duration; damage due specifically to duration of event (More than reference to Uniform Building Code is needed in EIR). Detailed information should be provided on seismic dangers and construction techniques; the longest duration seismic event which could reasonably be expected; and the nature of damage from an event of specific magnitude and duration.*	NA	86
Comment D-3: Grading/Erosion Control. *Make the detailed geotechnical investigation cited in Mitigation Measure D-2 of the DEIR/EIS available; describe grading and erosion control plans and analyze in Final EIR/EIS. The public should be allowed the opportunity to review and comment on the geotechnical investigation, particularly because the project would be built in a flood plain. Grading and erosion control plans should be prepared and submitted for public review.*	NA	87
Comment D-4: Sea-Level Rise. *Provide information on sea-level rise and impacts of the flood control design for the proposed development. The EIR/EIS does not adequately state how the engineering design would accomplish this goal.*	NA	87
E. HYDROLOGY, DRAINAGE, AND WATER QUALITY	5.170	88
Comment E-1: Lagoon Management. *The description, feasibility and impacts of the proposed expanded lagoon and its management needs to be discussed in more detail. How will existing problems with circulation, sedimentation, and water quality in the lagoons be remedied by the proposed management? Will increased flushing of the expanded lagoons into Novato Creek be feasible, given tidal characteristics and capacity of the creek? What effect would the increased flushing have on siltation in the creek and the need for dredging?*	2.19	88
Comment E-2: Flood Control. *The flood control options should be described in more detail and illustrated in the EIR/EIS. In particular, the third flood control option described on page 5.155 of the DEIR/EIS should be further characterized. The impact analysis for these flood control options should also be expanded. Show the location and design of each option, including a widened Novato Creek flood control channel and areas of ponding on-site, and indicate how the expanded lagoon and proposed managed mudflat would be used for flood control. The elevation of the lowest homes on Novato Creek and along the Units 2 and 3 lagoons should be provided and its relationship with Federal Emergency Management Agency requirements described. Explain how the Novato Creek widening alternative can be included in the EIR/EIS since it was not included in the Master Plan Application or other documents available to the public at the time of Notice of Preparation issuance.*	2.20; 5.182	89

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For all flood control options; **Comment E-3: Dredge Disposal and Management.** *Identify alternative dredge disposal sites and alternative management and uses of dredge material. What is the capacity of the proposed on-site dredge disposal site/managed mudflat to accommodate dredge spoils? Could dredge spoil from other locations be placed at this site? The water quality impacts of dredge disposal decant water on the bay need to be described in more detail. How would the use of this site for dredge spoil disposal be affected under a tidal marsh alternative? What would be the impact on the existing Bel Marin Keys community of not having an on-site dredge disposal facility available? How was dredge frequency determined?*	2.33; 5.182; 5.193	93
Comment E-4. Golf Course Water Quality. *Provide more analysis of water quality impacts on lagoon and Novato Creek (and Bay) from golf course maintenance: identify responsibility for compliance, enforcement, monitoring; identify mitigation measures for use of fertilizers resulting in possible discharge of nitrates into surface- and groundwater. How would runoff from the golf course be controlled and managed? How will water in the water traps be managed with respect to chemical and salt inputs.? Provide more detail on "natural links" concept for golf course design. What alternatives to pesticide and fertilizer use on the golf course are available?*	5.189	95
Comment E-5: Marina and Boating Water Quality. *Provide more analysis of water quality impacts of and within the marina; water quality management programs for both lagoon and marina should be available for further public review and be analyzed in more detail in the EIR/EIS. The impacts on water quality of existing boating should be described and compared with impacts resulting from increased boating due to the Unit 5 project.*	NA	96
Comment E-6: Novato Creek Hydrology. *Analyze impacts of maintaining navigable channel on scouring of tidal marshes at the mouth of Novato Creek. What dredging requirements in the channel would be attributable to the Unit 5 project? How have BMK Units 1-4 contributed to sedimentation in Novato Creek in the past? Has Creek flushing deposited more silt than it has removed?*	5.172; 5.180	97
Comment E-7: Non-point Source Pollution. *Indicate how project urban stormwater discharge would comply with County NPDES permit and with the adopted 1989 State Non-point Source Management Program.. More specific control and enforcement standards are needed. Discuss the applicability of the 1991 EPA guidance specifying management measures for Sources of Non-point Pollution in Coastal Waters. Describe the mitigation of educating residents with respect to water pollutant control in more detail.*	5.173	97

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Comment E-8: Hamilton Groundwater Contamination. *Describe the potential for contaminated groundwater at the Hamilton Field landfill site to migrate toward and into the expanded lagoon at Bel Marin Keys.*	NA	98
F. AIR QUALITY	5.196	99
Comment F-1: Regulatory Compliance. *Reclassify impact significance in view of non-attainment, especially cumulative.*	NA	99
Comment F-2: Cumulative Projects. *The DEIS refers the reader to Appendix I for a list of "proposed development projects" which were considered in assessing cumulative impacts. However, Appendix I was not included as part of this DEIS. The FEIR/EIS should identify all projects which were considered in this assessment.*	NA	100
Comment F-3: Mitigation of CO/Priority Pollutant Concentration Increases. *The DEIR states that Operation of the Project would add daily and peak-hour vehicle trips, irreversibly, to local streets and intersections" increasing "related emissions into the air of total organic gases, carbon monoxide, and nitrogen gases". Proposed mitigations for these air quality impacts are not adequate for two reasons:* • *The document states that no "violations are expected after 2002" based at least partially on assumptions of future technological advances in cleaner fuels production and energy efficiency (pg. S.14). Such assumptions are not acceptable mitigation measures.* • *The Sonoma Ferry and light rail systems, which are proposed as feasible mitigation measures, are not in place nor have they gone through the planning and permitting processes. It is not certain that these mitigation measures are feasible or that they will be implemented. The remaining mitigation measures are not complete and are not acceptable in mitigating the air quality impacts. The DEIS/EIR should provide more information on the proposed shuttles and other alternatives (to the ferry and light rail) to increase use of public transit, including but not limited to cost, sources of funding, management responsibility of the shuttles, etc.* *Air quality impacts need to be fully mitigated. How will such mitigation be assured?*	NA	101
Comment F-4: Ferry/Shuttle as Mitigation. *The DEIR fails to report that the Port Sonoma-Marin ferry and community shuttle are specifically called out as a component of the 1991 Clean Air Plan (see TCM#7 and # 5, respectively).*	5.205	102

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Comment F-5: Stationary Sources. *Discuss stationary sources, e.g. wood-burning stoves.*	5.205	102
Comment F-6: Mobile Sources. *Discuss the effects that an increased number of motor vehicles and boats will have on air quality. - or - How would increased car and boat traffic affect air quality?*	NA	103
G. NOISE	5.208	104
Comment G-1: Bel Marin Keys Boulevard Noise Levels. *Review the level of significance classification for Impact G-1, noise along Bel Marin Keys Boulevard, a major transportation route since noise levels already exceed recommended levels. Re-evaluate whether the proposed Project will adversely or significantly contribute to noise levels experienced along Bel Marin Keys Boulevard by existing residents of Bel Marin Keys.*	5.214	104
Comment G-2: Locate Sensitive Noise Receptors. *The location of sensitive receptors (the new school, senior housing, outdoor recreation area and parks) should be identified during the EIR/EIS stage. These facilities need to be located away from high dB rating areas. The location of the facilities may require significant alternation of the design or scope of the project.*	2.2	104
Comment G-3: Boating Noise. *The DEIR/EIS did not evaluate the water-related noise associated with the use of boats etc. especially since the project proposes an additional 200 berth marina. The DEIR/EIS also needs to propose mitigation measures for this noise impact.*	NA	105
Comment G-4: Construction, Project Phasing, And Noise Mitigations. *The EIR does not adequately address the impact on residents (it might be for one year) during the nine (9)+ years of construction and resulting noise pollution. How about just plain nuisance.* • *Noise control of individual equipment is fine but the combined level is what we hear.*	5.212	105
Comment G-5: Hamilton Air Field Noise. *Several comments were received that relate to the noise impacts and mitigation measures regarding a Hamilton Air Field with continued aircraft operations following the construction of the BMK5 Project.*	5.215	106

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H. AESTHETICS, LIGHT, AND GLARE	5.217	108
Comment H-1: Shorebird Habitat Visibility. *Assess visual impact of low elevation of shorebird habitat/dredge disposal site relative to perimeter levee and roadway/path (21-foot difference in finished elevation).*	5.232	108
Comment H-2: Light and Glare. *Analyze light and glare in relation to existing BMK community and indicate "what works and what doesn't." Specifically, evaluate Analyze light and glare in relation to structural use of materials and colors. The EIR/EIS should make recommendations as to what types of materials and colors are acceptable. Provide a description of elements which work to reduce or minimize light and glare.*	NA	108
Comment H-3: Project Appearance. *Additional mitigation should be provided for alterations in the appearance of the site such as:* • *identification and protection of viewsheds and view features,)* • *specific identification of alternative building locations for reduced heights,)* • *specific recommendations for materials and color use to reduce light and glare.*	NA	109
Comment H-4: Shoreline View Corridors. *Discuss the conflict between the proposed shoreline view corridors and the community desire to have homes lining the shoreline for added security.*	NA	109
I. ENERGY	5.245	110
Comment I-1: Review Significance Classification of Impacts. *The significance of energy impacts should be re-evaluated and possible raised to Class II as the project will encourage activities resulting in use of large amounts of fuel and energy. Proposed mitigation measures 5.223 through 5.224 should be included in the Table as Class II level of significance.*	NA	110
Comment I-2: Project Utilization of Energy Conservation Techniques. *Acknowledge that the Project Sponsor is working with PG&E to incorporate energy efficiency into the proposed Project. PG&E suggests that the EIR examine the benefits of the Developer's participation in PG&E's Customer Energy Efficiency Program.*	NA	110

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NA = Not Applicable. No text changes in Volume One were made.

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Comment I-3: Energy Consumption versus Energy Budget. *Estimate allowable energy budget relative to consumption. It is unclear on Table 5.1-1 (page 5.222) what the estimated allowable energy budget is in comparison to consumption.*	5.248	111
Comment I-4: Energy Requirement of Managed Mudflat. *Estimate energy required to pump water to maintain 2"-6" sheet flow for Flood Control [managed mudflat].*	NA	111
J. PUBLIC HEALTH AND SAFETY	5.250	112
Comment J-1. Proposed Water Ski Areas. *The issue of boating and water safety has not been adequately addressed.*	2.29	112
Comment J-2: Enforcement of Boating Laws and Safety Violations. *Current boating safety rules are inadequately enforced and frequently violated. The project would increase the difficulty in enforcement. Encouragement of public access to lagoons would further complicate the problem. The impact on boating and water safety of additional boat traffic in the existing lagoons should be classified as level II and mitigation should be provided. Mitigation could entail obtaining a marine patrol boat to provide in-water enforcement.*	5.253; 5.258	114
Comment J-3: Navigational Locks. *The existing development has two locks which serve approximately 700 homes. Address the adequacy of the single lock proposed to serve 1,190 homes.*	NA	115
Comment J-4: Health Safety of Reclaimed Water. *Evaluate the public health acceptability of using reclaimed water for golf course irrigation. Has the use of reclaimed water been approved by the necessary agencies?*	5.259	116
Comment J-5: Location of roadways or public schools within Runway Protection Zone. *The potential for conflict between certain public uses and the Hamilton Field Runway Protection Zone needs to be described in one detail. Is the proposed Hamilton Field Connector Road in the right location.*	2.10	116

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NA = Not Applicable. No text changes in Volume One were made.

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Comment J-6: Public Lagoon Access. *The security risk created by the addition of a perimeter road with long stretches of public access to the lagoon is a major concern. Increased public access increases the vulnerability of homes and boats to vandalism. The developer has proposed a landscaped berm and fence for security, but the potential for uncontrolled access to homes from the water still exists. Public perception is that homes should front all lagoons. A public marina would also increase non-resident access to lagoons, and therefore increase the security risk. Discuss the security risk involved and the necessity of hiring a private enterprise to provide added security on the lagoon and in other open areas of the development. The impact level of the potential for increased safety and security problems resulting from increased public access to lagoons should be raised from level III to level II. A security analysis for each alternative should be provided in the FEIR.*	NA	116
Comment J-7: Emergency Access and Manual Lock Operation. *The DEIR discussion of emergency fire access describes the manual operation of the lock in the event of a power failure. The FEIR should identify both the lock and the bridge as capable of manual operation in the event of electrical power failure. Additionally, the bridge could serve as an "emergency" egress in the event of an earthquake or flood.*	5.104	117
Comment J-8: Crime Rate. *How would the proposed addition of 1,190 homes and a commercial center affect crime rate and emergency response times in the area?*	NA	118
Comment J-9: Emergency Access for Emergency Response Personnel. *Emergency access roads to the community are inadequate, and the Novato Fire Protection District will not consider the addition of a new station unless additional access roads are added.*	NA	118
Comment J-10: Hamilton toxics. *The EIR must include a detailed list of toxic materials present on the Hamilton Hazardous Materials Site. The list should include listed materials, remediation method, and a detailed map showing present contamination and the probability and direction of lateral migration. Residents are particularly concerned about toxic materials in future runoff from Hamilton Field entering and contaminating the Unit 5 lagoons.*	5.252	118
Comment J-11: Miscellaneous Public Health and Safety Comments. *The preliminary design does not include safeguards to prevent sailboat masts from coming into contact with overhead powerlines or to prevent these lines from arcing into masts. A safety cable, such as the one over the existing lock and bridge is recommended. This potential problem and mitigation should be referenced in Summary Sections pages S.17, S.19, S.65 and S.69.*	5.259	118

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K. PUBLIC SERVICES	5.261	120
Comment K-1: Municipal Sludge Generation. *Evaluate how much sludge will be generated by the Project and indicate how it will be disposed of and/or used.*	NA	120
Comment K-2: Capacity Of Police Services. *Discuss the impacts on the Marin County Sheriff's Department including required manpower, budget and compare existing and proposed emergency response times, and number of patrols. Evaluate the anticipated increase in crime rate.*	5.261	120
Comment K-3: School, Community Park and Fire Station Sites. *Evaluate the phasing and need for reserving a combination school and community park site and a fire station site.*	5.267; 5.276	121
Comment K-4: Novato Sanitary District's Force Main and Seasonal Marsh. *Assess the potential impacts of seasonally flooded marsh/agricultural area on wastewater force main and outfall (Novato Sanitary District) and identify mitigation measures.*	5.274	122
Comment K-5: North Marin Water District Water Service.	5.271	123
Comment K-6: Water as a Natural Resource. *Evaluate impacts of water consumption and the depletion of a natural resource.*	5.272	124
Comment K-7: Golf-Course Irrigation Using Reclaimed Water.	NA	124
Comment K-8: Miscellaneous Public Services and Utilities Issues.	NA	125
• *Phasing of construction of elements that provide public Benefit,*		
• *Would the existing and proposed BMK5 utilities wiring be placed underground? Would new wiring include the use of fiber optic cables?*		
• *The use of maximum energy and water conservation techniques and devices is recommended.*		

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L. CULTURAL RESOURCES	5.278	127
There were no specific comments submitted with regard to cultural resources. However, some additional analysis of cultural resources has been completed subsequent to DEIR/EIS publication and is provided as Appendix N of the Final EIR/EIS, Volume Four. The additional analysis did not result in any materially difference conclusions with respect to potential for impacts.		
M. AGRICULTURAL RESOURCES	5.284	128
Comment M-1: Seasonal Agricultural Use. *Describe in more detail operation and function of proposed 247-acre seasonal agricultural site.*	NA	128
Comment M-2: Agricultural Productivity. *Use measures other than 1990 crop data to evaluate significance of agricultural productivity.*	NA	129
Comment M-3: Relation to State and Federal Acts. *Discuss agricultural conversion in relation to Farmland Protection Act, Williamson Act.*	NA	130
Comment M-4: Land Use Conflicts. *Oat hay fields are not only a nuisance to those with allergies, but burning of these fields force mice to move into adjacent homes. Replacing oat hay fields with Unit 5 may cause nuisances during construction, but when completed there will be a new lagoon with more fish, seagulls, etc. The DEIR fails to address the negative impacts of agricultural land on the adjacent residential community.*	NA	131
Comment M-5: Agriculture Production Analysis. *Include Solano County in the Agriculture Production Analysis. Include Solano County in the North Bay hay production figures.*	NA	132
N. ECONOMICS AND FISCAL	5.299	133
Comment N-1: Costs of Project Elements. *Estimate costs and analyze fiscal impacts of the following project elements or effects:*		
• *increased maintenance dredging of the channel, Novato Creek, lagoons and inlet culverts resulting from the increase in boat traffic, and decrease in flood flows,*		

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• *cost to the County of dredging the proposed new channel,*	5.299	133
• *water quality impacts resulting from decreased water velocity and flushing in lagoons during flood season, in channel and creek from circulation from channel;*		
• *pump operation required for continuous discharge of salt water back into San Pablo Bay;*		
• *the real costs of the proposed amenities including the marina and golf course;*		
• *maintenance of flood control structures;*		
• *subsidence of roads, and possibly buildings;*		
• *dredge soil disposal and maintenance of mitigation measures for wetland fills;*		
• *management of the conversion of the mudflat from spoil site to shorebird habitat and maintenance of appropriate water depth;*		
• *increased lagoon flushing schedule;*		
• *the internal operation costs to the BMK CSD for routine management of the community, including dredging and flushing of the lagoons and creek, landscaping, maintaining water quality, locks, wildlife habitats, street lights, levees, parks and other public areas;*		
• *Funding of the "ultimate street system." What would be the cost and the "proportional share" of the project sponsor? How much other development would need to occur to fully fund this mitigation?*		
Also, identify the financially responsible parties or the source of funding for:	5.310	
• *dredging activities, and dredge spoil disposal;*		
• *the golf course, marina and other public facilities in the event that Venture Corp. were to pull out of the project after completion;*		
• *costs not covered by property tax revenues;*		

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• *capital costs for expansion of public service facilities;*	5.299	133
• *residents responsible for dredging expenditures. Would residents of non-waterfront developments also be required to contribute?*		
Comment N-2: Impacts to BMK CSD. *Analyze fiscal impacts on BMK CSD. Will revenues generated by the proposed project offset costs for increased services, including management, of BMKCSD. All implied costs to the District should be identified more clearly and quantified. These include:*	NA	134
• *new cost factors such as monitoring and maintenance of the seasonal marsh/agricultural land, management and pumping of the managed mudflat/shorebird habitat, increased dredging of the lagoons and Novato Creek, increased flushing of the lagoons, flood control expenses, and potential provision of backup to the County Sheriff Department for maintenance of water safety and security;*		
• *routine management costs incurred by the BMK CSD, including dredging and flushing of lagoons, dredging of Novato Creek, landscaping, maintaining water quality and wildlife habitats, and the inspection and monitoring , maintenance and repair of street lights, locks, levees, parks and public areas. Would these costs be compensated by increased revenue from the proposed development. Are any portions of the new revenues designated for particular projects such as flood control?*		
• *Would the costs to the BMK CSD exceed the tax revenues and increased economic base resulting from the project? How would this vary with differing numbers of homes? How would the commercial center affect the tax base? Would the CSD form of government continue to be viable, either fiscally or operationally, with the addition of the propose development?*		134
• *Evaluate the levels of the fiscal impacts of certain measures, specifically management of the perennial mudflat/dredge spoil site, increased flushing schedule of lagoons, and mitigation of the cumulative impacts of dredging, resuspension of sediments and lagoon flushing. Is cost to the District considered when assessing level of impact? An example is B.21. mitigation of the cumulative impacts of dredging, resuspension of sediments, lagoon flushing etc. is stated to be the responsibility of the BMK CSD. This is a long-term commitment of significant funds, yet it is classed as a Class III impact.*		

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NA = Not Applicable. No text changes in Volume One were made.

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Comment N-3: Capital Costs. *Identify the capital costs for expansion of infrastructure and facilities necessary to accommodate the project. Identify which party or parties incur the responsibility of providing funding for the capital costs.*	NA	134
Comment N-4: Neighborhood Commercial Center. *Evaluate need for and potential viability of commercial center (See also Land Use). Compare with similar shopping centers in Novato which have larger service populations, yet are struggling financially. Demonstrate whether the impacts associated with its construction are greater than the need. Evaluate the economic impacts associated with providing boat slips for shopping by boat.*	NA	137
Comment N-5: Project Delay or Termination. *Assess impacts of potential delay, suspension, or premature termination of the project. Evaluate the financial risks to current residents which would result from delay or premature termination of the project. Analyze the effect of significant delays in project construction on property values. Include a discussion of legal remedies and alternatives that are available to ensure successful completion of all project features and mitigations. Are any measures available which could ensure successful completion? Address the requirement that the developer post adequate reserve funding to complete required mitigation measures.*	NA	138
Comment N-6: Cost of Public Services for Alternatives. *Estimate cost of services, such as fire protection and schools, for lower density alternatives. Examine the potential impacts and mitigation measures which would result from a project of insufficient size to trigger a new school, or to financially provide other desired amenities. Discuss the minimum size necessary to make the project financially viable.*	3.1	138
O. POPULATION, HOUSING, AND EMPLOYMENT	5.313	140
Comment O-1: Affordable Housing Program. *Fully describe affordable and below market housing in the following terms: cost of senior housing and first-time buyer housing; amounts and distribution of affordable housing components (below and at market rates); size and characteristics of affordable townhouses; and qualifications for buyers of affordable housing. Explain the differences between the three categories of affordable housing: senior housing units, first-time buyer units, and moderate income-buyer units. Clearly state the cost of each type of unit, and clarify what portion of the affordable housing would be offered at below market rates. Discuss the affect on resale value of the proposed segregation of affordable and low-cost housing into three high-density clusters. What would be the impact of the resale value on the proposed county fund for future affordable housing?*	NA	140

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Comment O-2: Marin County Jobs/Housing Balance. *Explain how project contributes to jobs-housing balance in Marin County. Include a discussion of secondary effects on traffic, air pollution and local economy gained by providing affordable housing to individuals who work in Marin, but who can not currently afford to live in the County.*	5.319	143
Comment O-3: Reliability of Affordable Housing Program. *Evaluate the reliability of the proposed Affordable Housing Program. Determine if this plan is sufficient to justify the increase in density credits over zoning laws. The discussion should:* • *Evaluate the housing program with appreciation rate equal to inflation rate. Interest rates, inflation rate and appreciation rates are all interdependent. Discuss why the inflation rate used in Chapter 5 is conservative;* • *Evaluate the first-time buyer program to determine who can buy the homes which sell for above the average cost home. The example given uses only maximum qualified income to buy the average cost home;* • *Address the issue of segregating or clustering low-cost housing. The disregard for Policy C-3 on page 4.35 of the DEIR/S must be addressed;* • *The first-time buyers program requires the buyer to share the profit with the County when the home is sold. Any improvements the buyer makes will be paid for 100% by the buyer. Evaluate the impact of these economics on the upkeep of the property and its appreciation rate;* • *Evaluate the effect on senior citizens of the tax law which allows $150,000 profit from the sale of a home without any income tax if it is rolled into the purchase of a new home;* • *Evaluate the impact of a 20 year mortgage on the senior citizen who pays only 25% down, is 65 years old, and lives more than 20 years. The consequences of this potentially questionable housing program is within the scope of the EIR/S.*	NA	144
Comment O-4: Low-Cost Housing Fund. *Evaluate the impacts of 3a-f on the proposed County Low-Cost Housing Fund and the County's ability to continue a Low-Cost Housing Program as proposed.*	NA	145

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Comment O-5: Density Bonus for Low-cost Housing. *Evaluate the growth inducing effects of allowing the proposed density bonus for low-cost housing on future projects in similar areas of the County.*	NA	145
P. GROWTH INDUCEMENT AND SECONDARY IMPACTS	6.1	147
Comment P-1: Flood Control Channel. *Analyze growth inducing impacts associated with the ultimate flood control alternative. Provide mitigation for any associated impacts.)*	NA	147
Comment P-2: Public Services. *Analyze growth inducing impacts of added service capacity: water(tanks), sewage, road system. The analysis should include:* • *the development of the "ultimate street system",* • *Identify any other areas which would be opened to development by the construction of McInnis or the road through Hamilton.*	NA	147
Comment P-3: Bayfront Conservation Zone. *Analyze growth inducement associated with development in BFC zone.*	NA	148
Comment P-4: Density Bonus for Low-cost Housing. *Analyze the potential growth inducing effects of allowing the proposed density bonus for low cost housing on future projects in similar areas in the county.*	NA	149
CUM. CUMULATIVE IMPACTS	6.3	150
Comment CUM-1: Combination with Other Significant Developments. *The cumulative effects on the environment, transportation, air quality, safety, and other environmental factors of this project in combination with Hamilton Field, Vintage Oaks, Renaissance Estates and any other significant development in the immediate area need to be considered in the EIR/S.*	6.4	150
Comment CUM-2: Mitigation for Cumulative Impacts. *Mitigations should be recommended for all cumulative impacts. Specifically, mitigation measures for the filling or excavation of all wetland types should be provided. Currently, no mitigation is being provided for tidal or seasonal wetland loss.*	NA	150
Comment CUM-3: Multiple Golf Courses. *Is there justification for two golf courses (i.e., at BMK site and Renaissance Estates property)?*	NA	150

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NA = Not Applicable. No text changes in Volume One were made.

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MIT. MITIGATION MEASURES AND MONITORING		151
Comment MIT-1: Implementation Assurance. *Identify how implementation of mitigation measures will be assured. What measures would be imposed to assure that all project features and mitigations would be completed? The criteria for defining the feasibility of a mitigation measure should be revised to add: the measure is capable of being implemented.*	NA	151
Comment MIT-2: Mitigation Sequencing. *How do mitigation measures generally follow sequence: avoidance, minimization, restoration, compensation and/or replacement*	NA	153
• *A hierarchy of planning approaches for resource protection should be considered for siting project elements. The hierarchy should be: 1) sensitive habitat avoidance; 2)mitigation by restoration; 3) enhancement or replacement of habitat functions. Avoidance should be the mitigation measure of choice.*		

NA = Not Applicable. No text changes in Volume One were made.

1. Federal Agencies 

U.S. Department of Transportation
United States Coast Guard

Commander
Eleventh Coast Guard District

Building 10, Rm 214
Coast Guard Island
Alameda, CA 94501-5100
Staff Symbol: (oan)
(510) 437-3514

16591
Novato Creek (0.6)
9 September 1992

FA-1

District Engineer
ATTN: Dr. Susan Ryan Johansson
U.S. Army Corps of Engineers
San Francisco District
211 Main Street
San Francisco, CA 94105

Dear Dr. Ryan Johansson:

Thank you for the Draft EIR/EIS for the Bel Marin Keys Unit 5 (BMK V) project. I received your errata sheet dated 5 September listing us as Cooperating Agency, and I appreciate your prompt response. Please list us as a Cooperating Agency in the Final EIS/EIR. As a Cooperating Agency, we intend to use the Final EIS/EIR for our permit decision on the retractable bridge which is advertised in our Public Notice 11-92 (encl. 1).

C-1

My comments on the draft documents follow:

General - The document is very thorough. I particularly appreciate your discussion of the Coast Guard permit authority.

J-11 pp. S.17, S.19, S.65 and S.69 - The project could have a significant impact on vessel safety. The preliminary design does not have safeguards to prevent sailboat masts from coming into contact with overhead powerlines or to prevent those lines from arcing into masts. There is a safety cable over the existing lock and bridge to prevent sailboat masts from coming into contact with powerlines, and I recommend a similar feature be incorporated in the new lock and bridge. The safety wire should be at least six ft. below the 115 KV line at the proposed lock-bridge location, and five ft. under the existing 115 KV wire in the westernmost portion of the BMK V parcel. This potential problem and mitigation should be referenced in Summary Sections pages S.17, S.19, S.65 and S.69.

J-11 pp. 5.229, 5.232 and 5.233 (Impact J.7) - Similar to the above, I recommend the discussion of electromagnetic radiation and its mitigation address the effect of sailboat masts coming into contact with powerlines or those lines arcing into masts.

CN pp. S.58 and 5.163 - The potential water quality problems from marina operations are well summarized and the mitigation measures are consistent with Coast Guard recommendations.

J-9 C-13 p. 244 - The retractable span bridge over the lock will provide access for maintenance and emergency vehicles. Your discussion of the emergency firefighting access describes the manual operation of the lock in the event of electrical power failure. I request that your description identify both the lock and bridge as capable of manual operation. Additionally, although the bridge would be closed normally only for maintenance and emergency vehicles, it could serve as an "emergency" egress in the event of an earthquake or flood.

FA-1

Jerry Olsen is the Coast Guard project officer and will represent the Coast Guard at your hearing. Please call him at (510) 437-3514 if you have any questions.

Sincerely,

W. R. TILL
Chief, Bridge Section
By direction of the District Commander

Encl: (1) Coast Guard Public Notice 11-92 dated 8 September 1992

Copy to: Mr. Gordon Jacoby, Bel Marin Keys Development Assoc., Mill Valley, CA

U.S. Department of Transportation
United States Coast Guard

Commander
Eleventh Coast Guard Dist.

Building 10, Rm 214
Coast Guard Island
Alameda, CA 94501-5100
Staff Symbol:(oan-br)
(510) 437-3514

FA-1

SEP 08 1992

This explains Coast Guard role as coop. agency

PUBLIC NOTICE 11-92

PROPOSED CONSTRUCTION OF AN ARTIFICIAL WATERWAY WITH A NAVIGATION LOCK AND RETRACTABLE SPAN BRIDGE OFF NOVATO CREEK, MILE 0.6, AT BEL MARIN KEYS, MARIN COUNTY, CALIFORNIA

PURPOSE: The purpose of this notice is to solicit public comment on a proposal to construct a retractable span bridge over a navigation lock accessing Bel Marin Keys unit V (BMK V). The new lock-bridge will access an additional artificial waterway and lagoon system in BMK V. The new lock-bridge would be located approximately 1,000 ft. downstream (east) of a similar lock-bridge at Novato Creek Mile 0.9 constructed in July 1986. The new lock-bridge would alleviate vessel congestion from increased vessel use anticipated from the development of BMK V.

PROPOSAL: Bel Marin Keys Development Corporation, (BMKDA) P.O. Box 847, Mill Valley, CA 94942 (telephone (415) 381-1600), has applied to the Department of the Army (U.S. Army Corps of Engineers, San Francisco District), (COFE) for a permit to develop the 1610 acre BMK V, which includes the artificial waterway and lock. The Corps of Engineers issued Public Notice 15813N33A on 4 April 1991 addressing the entire project and their permit authority under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act. BMKDA has also applied to the Department of Transportation (U.S. Coast Guard) (USCG) for a permit under Section 9 of the Rivers and Harbors Act of 1899 to construct the retractable bridge over the lock.

Design of the lock and bridge would be similar to the lock-bridge at Novato Creek Mile 0.9. The concrete lock will be 20 ft. by 80 ft, and would be operated by a key card by BMK V residents only. The lock would be open only for vessel passage or at brief, irregular intervals to flush the lagoon in an effort to enhance circulation and reduce algal growth. Consequently, the new artificial waterway would not be open to general navigation. The bridge is not located on the improved access road into BMK V, and would ordinarily remain open to navigation except for the passage of maintenance and levee patrol vehicles, or for emergencies. The bridge, including concrete dock approaches, would be 100 ft. long, and 13 ft. wide.

NAVIGATION: Waterway traffic would consist almost exclusively of recreational vessels. The lock-bridge would be designed to accommodate small dredges for infrequent maintenance within BMK V. Depths in the lock system would be approximately 3.5 feet below Mean Lower Low Water (MLLW) The lagoons, however, would have depths of 12-30 ft. below MLLW.

C.2

Horizontal clearance at the proposed bridge would be 20 ft. between lock walls. Vertical clearance under the closed bridge would be approximately 5.2 ft. above Mean High Water (MHW), and 10.5 ft. above MLLW. Vessel passage at such times is not likely, however, as the lock, normally closed, would be programmed not to open unless the bridge was open. Consequently, no special operating regulations or navigation lighting will be prescribed for the retractable bridge. When the bridge is retracted, a vertical clearance limitation of 41 feet above MHW would be imposed by a safety wire six feet below a 115 KV powerline in the vicinity of the proposed lock-bridge.

ENVIRONMENTAL CONSIDERATIONS:

Lead Agency: The U.S. Army Corps of Engineers is the lead federal agency under the National Environmental Policy Act (NEPA), and has prepared a Draft Environmental Impact Statement/ Environmental Impact Report (DEIS/DEIR). The DEIS/DEIR addresses environmental concerns for the entire 1610 acre development proposed for BMK V. The USCG is a Cooperating Agency in the environmental review process and intends to use the FEIS for the decision on the bridge permit. Comments concerning environmental impacts and navigation impacts related specifically to the bridge should be forwarded to the USCG address in the letterhead. Other envinronmental comments or questions should be addressed to COFE.

The Corps of Engineers will hold a Public Hearing on the DEIS/DEIR on 14 September 1992 at the Bel Marin Keys Community Center, 4 Montego Keys, Novato, CA beginning at 7:30 p.m. A USCG representative will be available at the Public Hearing to discuss the Coast Guard permit process and address questions concerning navigation or environmental impacts of the proposed bridge construction.

Protected Properties: The retractable bridge will not use land from any public parks, recreation areas, wildlife and waterfowl refuges, or historic sites. In addition, the retractable bridge will not take any wetlands; the site is presently dry land.

Floodplains: There will be no additional floodplain encroachment from the retractable bridge in excess of that created by the lock. The lock and bridge would be built on presently dry land, thus will not result in the placement of fill in a waterway.

OTHER APPROVALS: BMKDA has applied for a COFE permit and will contact the California Regional Water Quality Control Board for approval. A State Lands Permit will also be required. In addition, BMKDA will coordinate with the Bay Conservation and Development Commission (BCDC), and with the California Department of Fish & Game to determine whether or not their permits would be required.

REQUEST FOR COMMENTS: The USCG would like your comments to help us make our decision on whether or not to issue a Bridge Permit for the proposed retractable bridge. Interested persons may submit comments at the Public Hearing, or may write to Commander (oan-br), Eleventh Coast Guard District, Bldg. 10, Room 214, Coast Guard Island, Alameda, CA 94501-5100. Commentors should include

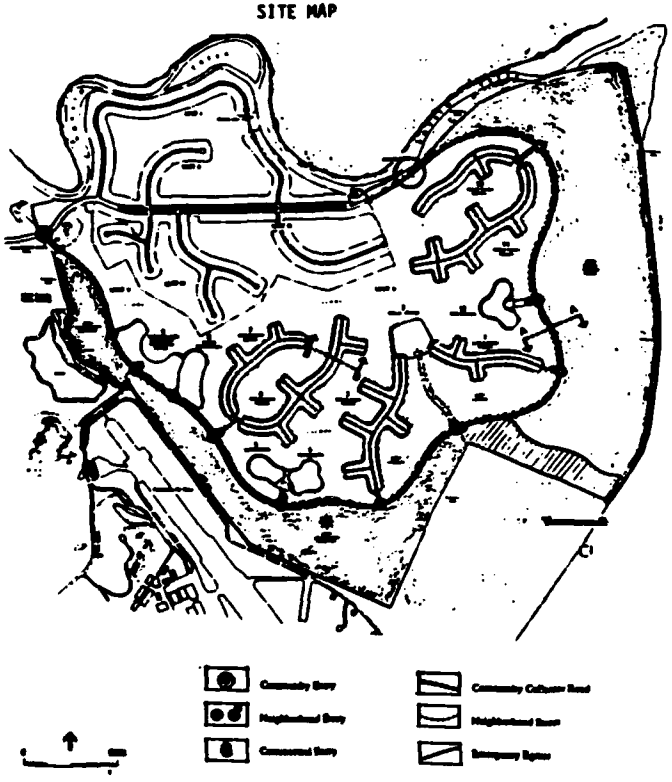
their name and give reasons for support or opposition to the proposal. We are particularly interested in hearing your comments concerning the adequacy of the clearances and the suitability of the lock-bridge location. All comments received before OCT. 08 1992 will be made a part of the official record and given careful consideration in this permit decision. Final action will be taken by the Commandant, U.S. Coast Guard, in Washington D.C., and the information published in the Local Notice to Mariners.

W. R. TILL
Chief, Bridge Section
By direction of the District Commander

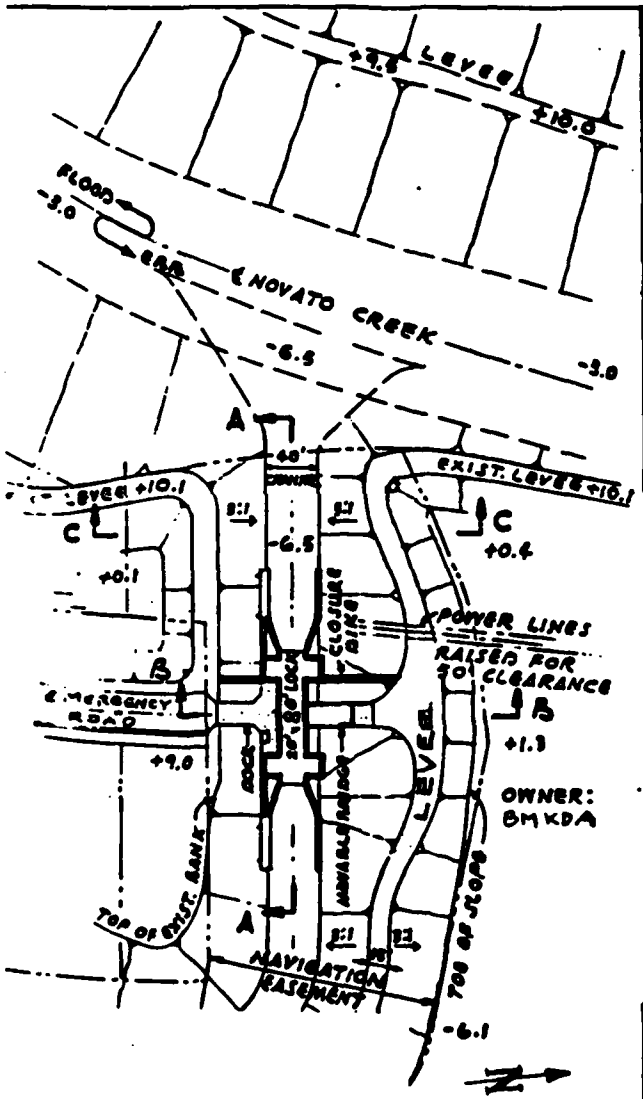
Encl: Site map, Location map and plan view, Elevation view

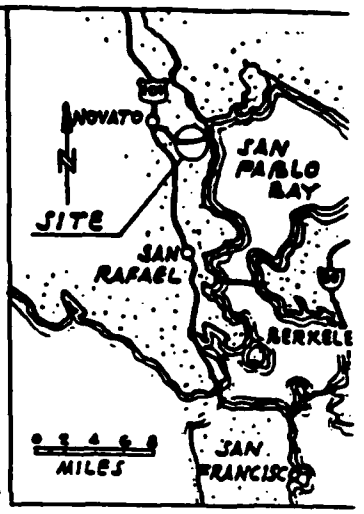
C.3

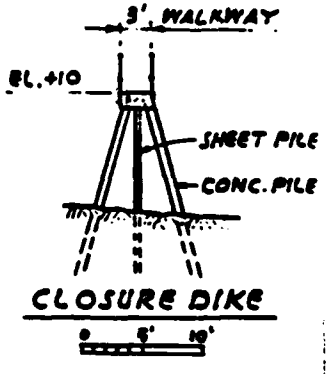
SITE MAP



FA-1

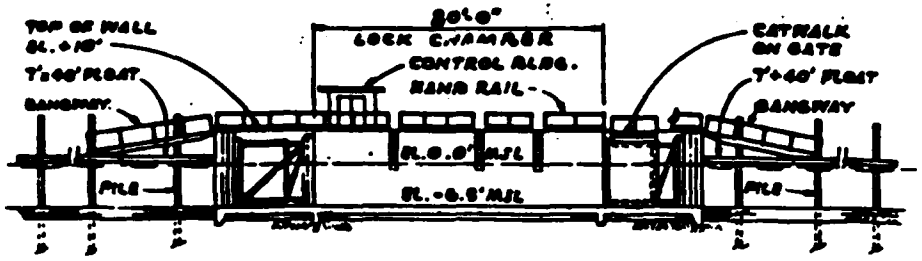






PROPOSED NAVIGATION LOCK AT BELMARIN KEYS COUNTY OF MARIN, CALIF. APPLICATION BY BMKDA

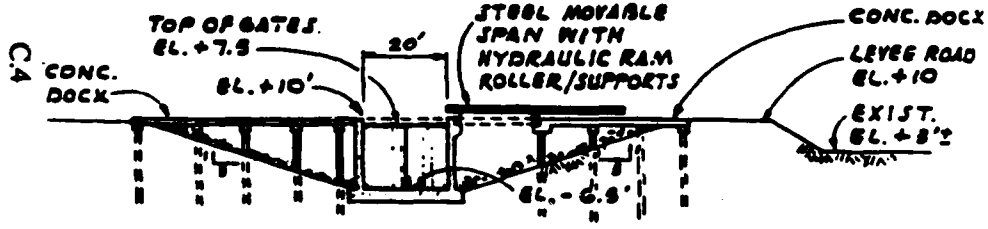
DATE: 9/2/92



LONGITUDINAL SECTION OF LOCK

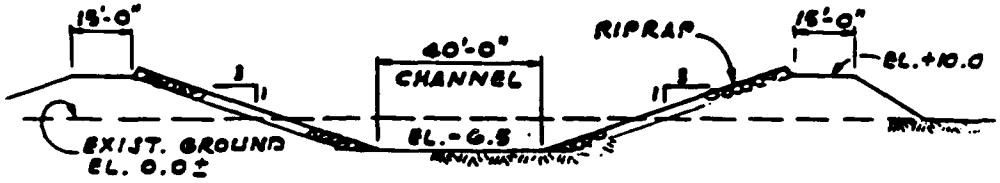
SECTION A-A

0 10' 20' 30'



SECTION B-B

0 10' 20' 30'



SECTION C-C

0 10' 20' 30'

PROPOSED NAVIGATION LOCK AT BELMARIN KEYS COUNTY OF MARIN, CALIF. APPLICATION BY BMKDA

DATE: 9/2/92

SHEET 3 OF 3

U.S. Department of Transportation
United States Coast Guard

COMMANDER (oan-bi-c)
ELEVENTH COAST GUARD DISTRICT
COAST GUARD IS BLDG 10 RM 214
ALAMEDA, CA 94501-5100

Official Business
Penalty for Private Use $300

POSTAGE AND FEES PAID
UNITED STATES COAST GUARD
DOT 514

ESA, INC.
ATTN: NONA B. DENNIS
301 BRANNAN ST., SUITE 200
SAN FRANCISCO, CA 94107 BAS

FA-1

U.S. Department of Transportation

United States Coast Guard

Commanding Officer
USCG Pacific Strike Team

Hangar 2, Hamilton Field
Novato, CA 94949-5082
Staff Symbol
Phone: (415)883-3311

FA-2

16590
OCT - 1 1992 19

From: Commanding Officer, USCG Pacific Strike Team - NSF
To: Commander, Eleventh Coast Guard District (oan-br)

Subj: CONTINUED AIR SPACE EASEMENT FOR HAMILTON AFB

Ref: (a) Your ltr 16590 of 30 SEP 92

1. I appreciate the notification that you provided me concerning the question of our continued need of an "air easement" over Hamilton AFB and adjacent properties.

C-5

2. The Pacific Strike Team presently has no plans to move or to change our operations at this time that would allow us to consider discontinuing loading and unloading of cargo aircraft at our facility on Hamilton Field. The inability to use the airstrip would severely hinder our operations by significantly reducing our ability to rapidly respond to oil and chemical incidents throughout the Pacific Area and the country. Additionally, recent changes at McClelland AFB in Sacramento have markedly decreased the ability to load and unload our equipment at Coast Guard Air Station Sacramento making access to Hamilton Field even more vital.

G-5 J-5

3. It should be noted that besides actual deployment of equipment we conduct training with both Air Station Sacramento and San Francisco on various topics such as sling loading operations. These missions could not be carried out elsewhere readily.

4. For these reasons, I most strongly oppose any infringement on the Coast Guard's ability to use Hamilton Field for aircraft operations. I intend to pass these concerns on to the Real Property Branch at MLC and the Air Operations Branch at PACAREA, and appreciate your input as to any other notifications I may need to make to prevent this change from occurring.

G-5 J-5

H. HENDERSON

copy: MLCPAC (sr)
Pacarea (Poc)
CCGD11 (osr)
NSFCC
Airsta Sacramento
Airsta San Francisco

FA
6-

Novato Ck 10.6

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region, HCD
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404

FA-3

October 8, 1992 F/SW022

W.R. Till
Chief, Bridge Section
Eleventh Coast Guard District (oan-br)
Building 10, Room 214
Coast Guard Island
Alameda, California 94501-5100

Dear Chief Till:

I reviewed Coast Guard Public Notice Number 11-92 describing a proposal to construct an artificial waterway with a navigation lock and retractable span bridge off Novato Creek, Mile 0.6, at Bel Marin Keys, Marin County, California.

B-4 B-7 B-13 CN

The National Marine Fisheries Service is responsible for preserving and enhancing marine, estuarine, and anadromous fish resources and the habitats that support these resources. My review has determined that the proposed project will not negatively impact the resources of our concern. I, therefore, have no objection to the project.

I hope my comments are useful. If you have questions regarding these comments, please contact Michael Thabault of my staff at: National Marine Fisheries Service, 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404; telephone (707) 578-7513.

Sincerely,

James R. Bybee
Environmental Coordinator
Northern Area

FA-4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

OCT - 9 1992

Col. Leonard E. Cardoza
District Engineer
U.S. Army Corps of Engineers,
San Francisco District
ATTN: Dr. Susan Ryan
Regulatory Functions Branch
211 Main Street
San Francisco, CA 94105

Dear Colonel Cardoza:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Development of Bel Marin Keys Unit V, Marin County, California. Our review is provided pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

Our office most recently provided NEPA-related comments on this proposed project on October 2, 1991 in response to your Notice of Intent (NOI) to prepare a DEIS, and on April 27, 1992 in response to your request for review of an administrative copy of the DEIS.

The proposed project consists of constructing 1190 residential units, a 150,000 square foot commercial center, an 18 hole golf course, a 50,000 square foot social center, and a 200 berth marina, on 1610 acres of existing diked baylands adjacent to the previously established Bel Marin Keys Units 3 and 4 north of the former Hamilton AFB in Marin County, California. The proposal includes an open space component of 1352 acres for (1) "habitat uses" - described in the DEIS as a proposal "to create 669 acres of shorebird and migratory waterfowl habitat in the form of wetlands, managed seasonal marsh, and mudflats," and (2) various recreational activities.

Several on- and off-site alternatives have been evaluated in the DEIS, including no action and two alternatives designated as "environmentally superior" (to the proposed project). Mitigation measures proposed by the project sponsor as well as those proposed by the contractor are discussed in the document. We commend the Lead Agencies for their efforts in completing this generally well prepared, easily readable, and very well organized DEIS, although there are a few critical aspects of the project which did not receive sufficient attention in the document.

C.6

FA-4

Our review has resulted in assigning a rating of EO-2 (Environmental Objections - Insufficient Information) to all of the build options except the Reduced Size Alternative which we have rated EC-2 (Environmental Concerns - Insufficient Information). Our ratings are based primarily on the following:

F-1 1) From the information provided, it is apparent that the only build option that would be consistent with the Bay Area Air Quality Management District's (BAAQMD) '91 Clean Air Plan (CAP) is the Reduced Size Alternative. It also appears that none of the build options with the questionable exception of the Reduced Size Alternative would meet the statutory requirements of §176(c) of the Clean Air Act (CAA).

ALT-2 2) The DEIS does not demonstrate that the proposed project is the least damaging practicable alternative as required by §404 of the Clean Water Act (CWA).

M-3 3) Consistency with the Farmland Protection Policy Act has not been demonstrated.

ALT-3 4) The only build option which would reduce the loss of special species habitat to a level of insignificance is the Reduced Size Alternative.

Additional details and concerns are provided in our itemized comments, attached. We encourage the Corps of Engineers (Corps) to carefully consider our recommendations in preparing the Final Environmental Impact Statement (FEIS) for this project.

We appreciate the opportunity to review this DEIS. Please send three copies of the FEIS to this office at the same time it is officially filed with our Washington, D.C. office. We continue to be available to work with you and your staff on any aspects of this proposal. Should you have questions, please contact me at (415) 744-1566 or Dr. Jacqueline Wyland, Chief, Office of Federal Activities at (415) 744-1584, or have your staff contact David Farrel at (415) 744-1574.

Sincerely,

Deanna Wieman

Deanna Wieman, Director
Office of External Affairs

001128CL.DF

Enclosures (2)

cc: USFWS, McKevitt, Sacramento
NMFS. Bybee, Santa Rosa
CDFG, Hunter, Yountville
SFBRWQCB, Ritchie, Oakland
BAAQMD, San Francisco
Marin County Planning Department, Haddad, San Rafael

C.7

FA-4

SUMMARY OF RATING DEFINITIONS AND FOLLOW-UP ACTION

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of environmental quality, public health or welfare. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommend for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1-Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From: EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

EPA COMMENTS ON THE REL MARIN KEYS UNIT 5 DRAFT ENVIRONMENTAL IMPACT STATEMENT, Marin County, California

001128DS.DF

1) ALTERNATIVES AND MITIGATION MEASURES

While acknowledging that nineteen significant or potentially significant environmental impacts would remain significant or potentially significant even after mitigation if development of the proposed project occurs, the DEIS identifies the "Mitigated Project Design Alternative" as environmentally superior, and the "Reduced Size Alternative" as environmentally superior among the on-site variant alternatives.

C.8

We note that the Mitigated Project Alternative would reduce the level of significance for 6 impacts when compared to the Proposed Project (4 from "significant and unavoidable" to "insignificant through mitigation"). However, the Reduced Size Alternative would eliminate or reduce the significance of 55 impacts when compared to the Mitigated Project Alternative (10 from "significant and unavoidable" to "insignificant"). In addition, 12 impacts would be completely eliminated with the Reduced Size Alternative. It appears, from the information provided in the DEIS, that the Reduced Size Alternative would be the only build alternative that would (with mitigation) be consistent with BAAQMD's '91 Clean Air Plan; the only build alternative which would not convert "potentially prime" agricultural land to other uses, and thus be consistent with FPPA; and the only build alternative to reduce the loss of "special species habitat" to the level of insignificance. With this in mind, we recommend that the project proponent reconsider the Reduced Size Alternative as the alternative of choice. (Refer also to our related comment in the Air Quality Issues Section.)

ALT-3

There appear to be numerous well-thought out "consultant proposed" mitigation measures which would reduce the level of significance of many of the anticipated impacts. It is unclear, however, how many of these measures would be actually adopted by the "project sponsor." The FEIS should provide commitments for those mitigation measures which would actually be incorporated into the project.

MIT-1

2) AIR QUALITY ISSUES

The DEIS makes several specific important observations concerning the proposed project in terms of air quality:

FA-4

(1) The proposed project would not be consistent with the BAAQMD '91 CAP because the project would increase population beyond Association of Bay Area Governments (ABAG) projections (by adding approximately 300 more homes than would be allowed under existing land use zoning designations);

(2) "Stationary and mobile emissions would raise ambient air pollutant concentrations and...would delay the Air District's goal of attaining ambient air quality standards;"

(3) "At buildout, total project-generated emissions of all criteria pollutants, except respirable particulates, would exceed BAAQMD's significance threshold criteria of one percent of total County-wide emissions;" and,

(4) "Constructing residences on agricultural land would generally worsen air quality, because emissions of air pollutants from project-generated motor vehicle traffic would add to ambient concentrations of criteria air pollutants," and "conversion of this land would eliminate CO2 consumption and O2 production."

(5) The DEIS acknowledges that the Proposed Project would "cause or contribute to an increase in the frequency of eight-hour standard violations."

These observations imply that the proposed project does not meet the statutory requirements for conformity as outlined in §176(c) of the Clean Air Act (CAA). Should that be the case, the CAA states that, "no department, agency or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license, or permit, or approve any activity which does not conform to an implementation plan after it has been approved or promulgated under §110." Information provided in the DEIS does not indicate whether the '91 CAP has been federally approved or whether the '82 implementation plan would be applicable in terms of meeting §176(c) conformity provisions. The FEIS should provide additional details to clarify this issue. We recommend that the Corps work closely with BAAQMD and contact Ms. Stephanie Valentine in our Air Division, Plans Development Section at (415) 744-1178 to discuss CAA conformity requirements.

F-1

Specific Comments

DEIS Section (4) entitled "Consistency with Applicable Plans and Policies" should identify BAAQMD as an agency which has been delegated regulatory authority in terms of the CAA and should discuss the project's applicability to §176(c) of the CAA.

F-1

F-5 The DEIS suggests that installation of woodstoves and fireplaces would be "discouraged" in an effort to minimize impacts to air quality. In keeping with this commendable strategy, we recommend that the FEIS disclose the extent to which residential designs would not include fireplaces.

F-5 In terms of cumulative impacts, it is unclear what, if anything other than traffic, was included in assessing cumulative air quality impacts, e.g., were any stationary sources included? The DEIS refers readers to Appendix I for a list of "proposed development projects", however Appendix I is not included as part of this DEIS. The FEIS should identify all projects which were considered in assessing cumulative impacts.

C-1 The DEIS raises a very good point concerning the proposed (single trip) ferry service at Port Sonoma/Marin:

> while the concept "envisioned by the Project Sponsor appears to be generally feasible, the current proposal to operate only one trip in each direction during the commute period raises questions as to the service's attractiveness as a transit option."

The discussion notes that funding for this proposal also remains "undetermined." The FEIS should discuss this transit proposal in more detail, especially since it is being proposed as a mitigation measure to help alleviate traffic congestion.

PD-1 C-1 C-4 The FEIS should include a map which shows the location of Port Sonoma-Marin the and route of the proposed ferry and shuttle bus service, and should provide additional details on the anticipated light rail system, e.g., how feasible is this system, and what is the probability of placing such a system in service within the near future?

C.9

3) CLEAN WATER ACT §404 ISSUES

In general, the document appropriately describes the aspects of the proposed project involving §404 of the CWA and the need for the project sponsor to comply with the §404(b)(1) Federal Guidelines promulgated at 40 CFR 230. There are, however, a few related issues which need to be clarified and/or discussed further in the FEIS.

ALT-2

Alternatives Analysis

The Federal Guidelines at 40 CFR 230.10(a) state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge that would

have less adverse impact on the aquatic system, so long as the alternative does not have other significant adverse environmental consequences. To comply with this section of the Guidelines, the proponent of the Bel Marin Keys Unit 5 project must demonstrate that the proposed project alternative represents the least damaging practicable alternative, based on cost, logistics, and technology. Although the project proponent has submitted an alternatives analysis to EPA and the Corps, it has not yet clearly demonstrated that the proposed project is, in fact, the least damaging alternative. The project proponent must demonstrate this before the Corps can permit the placing of fill in wetlands at the site.

ALT-2 cont'd

Section 404 Jurisdiction

The goal of the CWA is to restore and maintain the physical, chemical, and biological integrity of the nation's waters. We believe this goal can be met in the San Francisco Bay area only if the Corps asserts §404 jurisdiction over diked historic baylands. Throughout the lengthy history of the proposed Bel Marin Keys Unit 5 project, EPA has maintained that most of the project site should be considered under the jurisdiction of the §404. This position is based on the historic extent of Bay waters, the goals of the CWA, and case law. The Corps, however, believes §404 jurisdiction pertains only to areas of sites designated as wetlands.

In 1984, the Corps completed its jurisdictional determinations for the Bel Marin Keys Unit 5 site. It found that 969.8 acres were subject to regulation under §10 of the River and Harbor Act of 1899 and 116 acres were subject to §404 of the CWA. The only areas designated under the jurisdiction of §404 were those that supported wetland vegetation.

B-1

On several subsequent occasions EPA requested the Corps to revise its §404 jurisdictional determination for the site. We requested the Corps to find that §404 applies to at least those areas that are under the jurisdiction of §10. The Corps has opted not to revisit its original determination and has twice affirmed that determination.

We continue to believe that more than 116 acres of the project site are under the jurisdiction of §404. However, unless the Corps revisits its jurisdictional determination for the project site, the original §404 determination will remain in effect.

FA-4

Specific Comments

B-3 The potential impacts to §404 jurisdictional wetlands resulting from construction of an access road to Highway 37 should be quantified and described in Section C of the Summary.

B-4 E-3 On page 2.20 and pages 5.46-7 the DEIS references the concept of creating a managed mudflat to maximize values for migratory shorebirds. Although mudflats provide excellent habitat for many aquatic and avian species, the document correctly identifies many problems attendant with creating a non-tidal, artificial mudflat within the project boundaries. Such a mudflat would require very precise grading, continual pumping of Bay water on and off the site, and frequent restoration following periodic deposition of dredged material. We believe this concept would be exceedingly difficult to implement successfully and should not be pursued. Management of the 377-acre area as seasonal wetland or restored tidal marsh would have a much greater likelihood of providing high habitat values. We recommend these alternatives be explored further and presented in the FEIS.

If the BMK Unit 5 project is constructed, EPA would prefer to see the substrate in the 377-acre parcel raised to -1 or 0.0 feet NGVD and restored to muted or full tidal action. Such an effort would require the deposition of large volume of material and could function as a valuable deposition site for dredged material obtained from other parts of the Bay Area. We recommend that this be discussed in the FEIS.

B-1 The section on Federal Agency Approvals (page 2.22, Table 2.B-1) refers to the §404(b)(1) alternatives analysis prepared by the project proponent. This analysis was conducted as part of the process to comply with the §404 Federal Guidelines. We have reviewed this analysis and found that it does not sufficiently support the project sponsor's position that the proposed project is the least damaging practicable alternative (as indicated in our April 2, 1992 letter to the Army Corps of Engineers). This alternatives analysis should be presented as an appendix to the FEIS.

ALT-1 For purposes of greater clarity, we recommend that the Alternatives Analysis (Section 3) of the FEIS include a graphic depiction of each of the on-site alternatives as a supplement to Table 3.A-1. It would be very helpful if each figure displayed the various project features and their configuration.

B-3 Table 3.A-1 should also indicate the acreage of jurisdictional wetlands that would be affected by construction of an access road to Highway 37.

ALT-2 On page 3.49, the DEIS describes, albeit very briefly, six off-site alternatives that were considered and rejected. The FEIS should explain why this suite of sites is not identical to those included in the §404(b)(1) alternatives analysis.

B-4 We agree that the creation of 377 acres of mudflats, as noted on page 5.45, should receive no credit as mitigation.

B-4 M-1 While we concur that management of the 247-acre parcel (described on page 5.45 of the DEIS as proposed seasonal farmed wetland) could increase habitat values for some migratory waterfowl, the information presented in the document does not confirm that the project proponent would be able to secure a firm and adequate volume of fresh water necessary to ensure probable success of the proposal. Inasmuch as the success of this proposal is critically tied to appropriating an adequate and dependable supply of fresh water, the FEIS should describe potential water sources, acquisition and delivery costs, legal/policy requirements and obstacles, and the logistics of delivering fresh water to the site.

MIT-1 B-14 The Mitigation Monitoring and Reporting Program presented as Appendix B does not fulfill the requirements of the resource agencies and the Corps for a detailed mitigation and monitoring plan prepared to address unavoidable project impacts to wetlands as part of the §404 permitting process. We recommend that additional details be provided in this Appendix to the FEIS. For specifics, we suggest that you contact Mr. Mike Monroe in our Water Division, Wetlands Section at (415) 744-1963.

4) WATER QUALITY/NONPOINT SOURCE ISSUES

E-7 The discussion of the Regulatory Framework for water quality protection on pages 5.150 and 5.151 should be amended to recognize the additional role of the Regional Water Quality Control Board in the implementation of nonpoint source (NPS) control activities in addition to NPDES stormwater management activities. Pursuant to §319 of the CWA, states have the lead role in identifying and controlling nonpoint sources of pollution. In California, the State Water Resources Control Board has been designated as the lead agency for implementation of the §319 NPS program. The Regional Board also has important program implementation responsibilities. Pursuant to CWA §319(b), the State Board prepared a State Nonpoint Source Management Program (SMP), which was approved by USEPA in January, 1989. The project proponent should consult the Regional Board to ensure that project activities and features designed to minimize NPS pollution are consistent with the SMP and are adequate to protect beneficial uses and achieve water quality standards. In particular, the project should include an adequate water quality

FA-4

E-7 cont'd monitoring program to provide information needed to evaluate water quality impacts of the project and design further mitigation if needed. The FEIS should discuss these important items.

In addition, the State Board is currently developing a new NPS control program for coastal areas. Pursuant to §6217 of the Coastal Zone Reauthorization Amendments of 1990 (CZRA), coastal states are developing programs and policies needed to provide for the implementation of management measures which conform with new guidance published under §6217(g). Management measures are defined in §6217(g)(5) as "economically achievable measures for the control of the addition of pollutants from existing and new categories and classes of nonpoint sources of pollution, which reflect the greatest degree of pollutant reduction achievable through the application of best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives."

C.11

E-7 In May, 1991, USEPA published the Proposed Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters pursuant to §6217(g). The Proposed Guidance focuses on five major categories of nonpoint sources that impair or threaten coastal waters, including marinas and urban runoff in developing and developed areas. Because the BMK Unit 5 project area probably lies within the coastal zone area to be defined for purposes of CZRA program implementation, this guidance should be considered and should be reflected in the FEIS.

The project proponent should evaluate the management measures guidance and ensure that project activities and features designed to address nonpoint runoff are consistent with the guidance. The proponent may wish to contact Jovita Pajarillo in our Water Division, Water Quality Branch at (415) 744-2011 to obtain a copy of the guidance. The final Guidance is expected to be completed and published by the end of 1992.

Specific Comments

E-4 The DEIS discusses potential water quality impacts associated with operation of the (proposed) golf course. We recommend that the project proponent ensure that runoff prevention features are included in the basic design of the course. This should be addressed in the FEIS.

E-3 Impact E.11 (incorrectly labelled E.13 on page 5.163) suggests that decant water from the dredge disposal area may degrade water quality. We are concerned that this water quality degradation is identified as insignificant on page S.59. Such a conclusion cannot be substantiated with the analysis of dredge spoil contaminants provided in the DEIS. The FEIS should provide

E-3 cont'd additional details which would substantiate the conclusion, if possible, or modify the conclusion accordingly. The FEIS should also discuss and evaluate measures to mitigate or prevent any pollutant discharge.

E-2 Mitigation measure E.2 as presented on page 5.165 discusses widening of Novato Creek to mitigate flooding impacts. If the creek is widened, the project should ensure that riparian habitat is maintained or preferably enhanced. We recommend that the creek banks be shaped so as to assist in reestablishing a diverse vegetation community rather than leaving a widened but sterile floodway in the interests of flood control.

5) FARMLAND CONVERSION ISSUES

M-3 Information presented in the DEIS is not sufficient to ascertain whether any of the 1200 acres which would be "effectively lost" and in turn "result in an irreversible loss of 50 percent of Marin County's existing hay crop..." exceed the Soil Conservation Service's threshold for avoidance as mandated by the Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201 et seq. Our comments on your Notice of Intent, which were dated October 2, 1991 included a recommendation that the DEIS address this issue. Please refer to those comments for specifics.

M-3 EPA's Policy to Protect Environmentally Significant Agricultural Lands, September 1978 also "identifies three types of environmentally significant agricultural lands for protection in addition to the lands included in the FPPA. These are: farmlands in or contiguous to environmentally sensitive areas, farmlands important for waste utilization, and farmlands with significant capital investments in best management practices." The FEIS should discuss these in detail and present the results of the farmland evaluation required by FPPA.

6) OTHER SPECIFIC COMMENTS

B-2 P-3 On page S.13, the DEIS states that "strong development pressure along the bayfront lands could result in the permanent loss of valuable natural resource lands." It is unclear whether this statement implies that additional development could be anticipated as a result of implementing the proposed project, and if so, whether this "additional development" was considered in discussing cumulative impacts. (Refer also to our related comment in the Air Quality Issues Section.)

G-5 The DEIS acknowledges the possibility that aircraft activity at Hamilton Field could increase over time. The FEIS should

G-5 cont'd | discuss the likelihood of increases in (all types) aircraft activity at Hamilton Field, and the extent of impacts associated with such increases.

G-5 | We agree that installing adequate insulation in residences at the time of initial construction is the optimal method of reducing aircraft noise impacts in living space. However this "mitigation" does not accommodate noise impacts realized during outdoor activities such as recreation. This impact should be acknowledged and discussed further in the FEIS.

B-5 | We encourage the project proponent to adopt "consultant proposed" mitigations which promote the enhancement of biodiversity.

I-2 K-6 | We recommend the use of maximum energy and water conservation techniques and devices in construction of the project and commend the preparers of this document for addressing this important aspect of development.

COPY

C.13

U.S. Department of Transportation
United States Coast Guard

Commander
Eleventh Coast Guard District

Building 10, Rm 214
Coast Guard Island
Alameda, CA 94501-5100
(510) 437-3514

RECEIVED
OCT 26 1992
Environmental Science Assoc.

16591
Novato Creek (0.6)
23 October 1992

FA-5

District Engineer
ATTN: Dr. Susan Ryan Johansson
U.S. Army Corps of Engineers, San Francisco District
211 Main Street
San Francisco, CA 94105

Dear Dr. Ryan Johansson:

Thank you for your call to Jerry Olmes on 21 OCT 92 concerning the status of Bal Marin Keys Unit V, and thank you for your offer to provide us a copy of the transcript of the public hearing. Please ask Mr. Dain Anderson of the Marin County Planning Department to contact me regarding the afternoon DEIS/DEIR hearing on 14 SEP 92. I would like to find out if any comments were made concerning the retractable bridge, and offer our assistance in responding to such comments. I would also like to obtain a copy of the transcript of that hearing.

I am forwarding the response from our Pacific Strike Team (PST) at Hamilton AFB concerning continued use of the air easement over Bal Marin Keys (encl. 1). The PST concludes that they will continue their operations (and continue to need the air easement) at Hamilton for the foreseeable future. I am also forwarding one other letter received in response to our Public Notice from the National Marine Fisheries Service. Have you received any other comments concerning the bridge? Following your lead, we will hold the record open for comments until 2 NOV 92. You indicated that you are planning another public hearing on 3 NOV 92. Please advise me of the time and place, and either I or Jerry Olmes will attend.

A-4 Two prerequisites for Corps of Engineers and Coast Guard permits are water quality certification (or waiver) from the California Regional Water Quality Control Board, and a permit from the Bay Conservation and Development Commission. These agencies have verbally advised me that they will not issue any documentation until the Final EIS for the entire BMKV development has been approved.

Please contact me or Jerry Olmes at (510) 437-3514 if you need any additional information concerning the bridge when you are preparing the FEIS. I would appreciate the opportunity to review a pre-release copy of the FEIS/FEIR.

Sincerely,

W.R. TILL
Chief, Bridge Section
By direction of the District Commander

Encl: (1) USCG Pacific Strike Team ltr 16590 dtd 7 OCT 92
(2) National Marine Fisheries Service ltr dtd 8 OCT 1992

Copy to: Mr. Gordon Jacoby, BMK Development Assoc., Mill Valley, CA w/encls
Ms. Nona Dennis, ESA, San Francisco, CA w/encls

U.S. Department of Transportation
United States Coast Guard

Commanding Officer
USCG Pacific Strike Team

Hangar 2, Hamilton Field
Novato, CA 94949-5002
Staff Symbol:
Phone: (415)883-3311

FA-5

16590
OCT - 7 1992 19

From: Commanding Officer, USCG Pacific Strike Team - NSF
To: Commander, Eleventh Coast Guard District (oan-br)

Subj: CONTINUED AIR SPACE EASEMENT FOR HAMILTON AFB

Ref: (a) Your ltr 16590 of 30 SEP 92

1. I appreciate the notification that you provided me concerning the question of our continued need of an "air easement" over Hamilton AFB and adjacent properties.

2. The Pacific Strike Team presently has no plans to move or to change our operations at this time that would allow us to consider discontinuing loading and unloading of cargo aircraft at our facility on Hamilton Field. The inability to use the airstrip would severely hinder our operations by significantly reducing our ability to rapidly respond to oil and chemical incidents throughout the Pacific Area and the country. Additionally, recent changes at McClelland AFB in Sacramento have markedly decreased the ability to load and unload our equipment at Coast Guard Air Station Sacramento making access to Hamilton Field even more vital.

3. It should be noted that besides actual deployment of equipment we conduct training with both Air Station Sacramento and San Francisco on various topics such as sling loading operations. These missions could not be carried out elsewhere readily.

4. For these reasons, I most strongly oppose any infringement on the Coast Guard's ability to use Hamilton Field for aircraft operations. I intend to pass these concerns on to the Real Property Branch at MLC and the Air Operations Branch at PACAREA, and appreciate your input as to any other notifications I may need to make to prevent this change from occurring.

H. HENDERSON

copy: MLCPAC (sr)
Pacarea (Poc)
CCGD11 (oar)
NSFCC
Airsta Sacramento
Airsta San Francisco

Novato Ck 10.6

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region, HCD
777 Sonoma Avenue, Room 325
Santa Rosa, California 95404

FA-5

October 8, 1992 F/SW022

W.R. Till
Chief, Bridge Section
Eleventh Coast Guard District (oan-br)
Building 10, Room 214
Coast Guard Island
Alameda, California 94501-5100

Dear Chief Till:

I reviewed Coast Guard Public Notice Number 11-92 describing a proposal to construct an artificial waterway with a navigation lock and retractable span bridge off Novato Creek, Mile 0.6, at Bel Marin Keys, Marin County, California.

The National Marine Fisheries Service is responsible for preserving and enhancing marine, estuarine, and anadromous fish resources and the habitats that support these resources. My review has determined that the proposed project will not negatively impact the resources of our concern. I, therefore, have no objection to the project.

I hope my comments are useful. If you have questions regarding these comments, please contact Michael Thabault of my staff at: National Marine Fisheries Service, 777 Sonoma Avenue, Room 325, Santa Rosa California 95404; telephone (707) 578-7513.

Sincerely,

James R. Bybee
Environmental Coordinator
Northern Area

C.14

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Affairs
600 Harrison Street, Suite 515
San Francisco, California 94107-1376

FA-6

IN REPLY REFER TO
ER 92/829

October 30, 1992

District Engineer
Corps of Engineers, San Francisco District
ATTN: Regulatory Functions Branch (Susan Ryan Jahansooz)
211 Main Street
San Francisco, California 94105

Dear Sir:

C.15

The U.S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Report/Environmental Impact Statement (DEIS) for the proposed development of the Bel Marin Keys Unit V (residential/commercial community, ADP No. 15813N33A), Marin County, California. The following comments are provided for your consideration when preparing the final environmental documents.

GENERAL COMMENTS

B-1 The DEIS states there are 116 acres and 969 acres of wetlands (tidal salt marsh, brackish marsh and drainage ditches, seasonal wetland, and pickleweed stands) which are respectively subject to jurisdiction under section 404 of the Clean Water Act (section 404) and the jurisdiction of section 10 of the Rivers and Harbor Act. In several previous comment letters on the proposed project, the U.S. Fish and Wildlife Service (Service), as the Department's project coordinator, has consistently maintained that there are more than 116 acres of wetlands on the site which fall under jurisdiction of section 404. Based on past involvement on previous proposals in this area, the Service estimates that nearly 800 acres of seasonal and permanent wetlands exist on the site. It is important to realize that the wildlife values are high on the seasonally flooded areas. In this regard, the DEIS provides an adequate discussion on the valuable aspects of the project area for fish and wildlife resources, but needs to present suitable mitigation measures to offset adverse impacts. The Department recommends that the U.S. Army Corps of Engineers (Corps) re-evaluate the extent of their jurisdiction pursuant to section 404.

In general, we may recommend support for a proposed project when the following criteria are met:

CN
1. It is ecologically sound;

2. The least environmentally damaging reasonable alternative is selected;

3. Every reasonable effort is made to avoid or minimize damage or loss of fish and wildlife resources and uses;

CN cont'd
4. All important recommended means and measures have been adopted, with guaranteed implementation to satisfactorily compensate for unavoidable damage or loss consistent with the appropriate mitigation goal; and

5. For wetlands and shallow water habitats, the proposed activity is clearly water dependent and there is a demonstrated public need.

The Service has opposed similar proposals to construct residential/commercial communities with lagoons at the Bel Marin Keys site in letters dated March 31, 1977, July 18, 1979, and February 13, 1985. These specific proposals included Bel Marin Keys Unit IV (PN 9617-33), Ignatio Industrial Park Unit 3 (PN 10906-33), and The Villages at Bel Marin (PN 15813N33). In response to the Public Notice and the administrative DEIS, the Service recommended that no Corps permit be issued for Bel Marin Keys Unit V (PN 15813N33A) in a letter dated May 3, 1991. No reason has been proposed for the Service to change its position on project developments at the Bel Marin Keys site. Based upon the information currently contained in the DEIS, the Department continues to object to the proposed site development, and endorses the "No Project" alternative.

SPECIFIC COMMENTS

B-4 Page 2.20 and Page 5.45, Mitigation Measure B.5: The DEIS describes possible water management systems for the proposed 247-acre managed seasonal marsh, but the document fails to identify whether suitable water supplies can be secured and maintained for the long-term, to accomplish the desired objective of flooding the area during the winter and early spring seasons.

B-9 Page 2.21, Phasing of the Habitat Areas: The timing for the creation of proposed wetland mitigation areas contains an unacceptable degree of uncertainty. We strongly recommend that any mitigation areas be created in advance of, or at least concurrently with, any development construction activities, to maintain wildlife habitat values in the project area.

ALT-2 Page 2.22, Table 2.B-1: This table indicates that Appendix B contains the section 404(b)(1) Alternative Analysis for the proposed project, but we are unable to locate this analysis. This analysis should be included in the final document to determine if the least environmentally damaging reasonable alternative has been selected and every reasonable effort has been made to avoid or minimize loss of fish and wildlife resources.

ALT-3 Section 3, Alternatives Analysis: The environmental document needs to describe and indicate the location of all cover types to be potentially impacted by all on-site project alternatives, and associated access roads. A table with the acreage of each cover type under with- and without-project conditions for each alternative should be incorporated into the final

ALT-1 environmental document. A figure accurately depicting proposed project features for each alternative in relation to natural features, such as watercourses, wetlands, and other habitat types, in the project area should be

ALT-3 included. We recommend that there be a breakdown of the number of wetland acres to be filled for various project components (e.g., housing, commercial

operations, roads, golf courses, etc.) for <u>each</u> project alternative. Detailed information for on-site project alternatives remains critical to determining the least environmentally-damaging on-site alternative and if on-site wetland impacts have been avoided to the greatest extent possible.

ALT-3 cont'd

<u>Page 5.8, Impact A.7</u>: The Department concurs with the statement that the proposed project may stimulate further urbanization within the general vicinity of the project area and, thus, result in additional losses of biological resources in the county. We also agree with the document's assessment that the project applicant's proposed attempts to maximize open space within the project area would not reduce growth-inducing impacts to an insignificant level (Page 5.9, Mitigation Measure A.7). Analyses of growth-inducing, whose impacts are not included in the DEIS, should be analyzed in a comprehensive manner, and the appropriate mitigation needs to be identified in the final document.

CN

B-2

P-3

<u>Page 5.19, HEP Analysis for Existing Species and Cover Types</u>: The discussion on the Habitat Evaluation Procedures analysis and the graphics representation should include a detailed description of target year scenarios for each land use alternative, including Habitat Suitability Indices for the species groups at each target year. It is important to document how these indices are predicted to change over time. Additionally, we recommend that the Habitat Plan dated March 5, 1990, be included as an appendix in the final document.

B-5

<u>Page 5.23, Animals</u>: This section needs to discuss the possible occurrence of three special-status species at the project area. These species include the winter-run chinook salmon (*Oncorhynchus tshawytscha*), a federally listed threatened species. For questions concerning this species, please contact Jim Lecky, Endangered Species Coordinator, National Marine Fisheries Service, Southwest Region, 501 West Ocean Boulevard, Suite 4200, Long Beach, California 90802-4213, or call him at (301) 980-4015. This section also does not mention the green sturgeon (*Acipenser medirostris*), and the longfin smelt (*Spirinchus thaleichthys*), two species recommended for Federal candidate status. We recommend that appropriately-timed surveys be conducted for these species by qualified biologists to determine whether the proposal would adversely affect these species. The results of the surveys should be included in the final document.

B-7

B-7

<u>Page 5.38, Impact B.4 and Page 5.45, Mitigation Measure B.4:</u> The DEIS states that additional road construction to link the project area with State Highway 37 may result in additional wetland impacts along the road alignment. However, a specific road alignment has not been determined at this time; therefore, these impacts are not fully analyzed and detailed mitigation for those impacts is not addressed in the DEIS. The final document should discuss various alternatives for this new road alignment, which describe proposed measures to avoid or minimize wetland impacts and to compensate for unavoidable losses.

B-3

<u>Page 5.39, Impact B.7 and Page 5.46, Mitigation Measure B.7</u>: The proposed construction of a navigational lock, the improvement of levees, and the increased boating activity (and possible construction of a flood bypass channel) along Novato Creek may likely impact two federally listed endangered

B-6

C.16

species. These species are the California clapper rail (*Rallus longirostris obsoletus*) and the salt marsh harvest mouse (*Reithrodontomys raviventris*). The Service recommends that the Corps quantify both known and potential impacts to habitat of these species and conduct an analysis that meets the standards for preparation of biological assessments, pursuant to 50 CFR § 402.12. Upon completion of the biological assessment, the Corps should initiate consultation under section 7 of the Endangered Species Act of 1973, as amended, to evaluate potential impacts to these listed species and/or their habitats from project implementation.

B-6 cont'd

<u>Page 5.45, Mitigation Measures B.5 and B.6</u>: As previously stated, the Service recognizes far more than 116 acres of wetlands exist in the project area and will not support mitigation measures that are confined to in-kind replacement of jurisdictional wetlands on the site and/or the creation of out-of-kind habitat types (e.g., the perennial mudflat). Additionally, the DEIS clearly points out numerous problems associated with the practicability of the proposed perennial mudflat; we strongly agree with this assessment but do not support this compensatory mitigation proposal. Mitigation measures that replace in-kind habitat values of diked seasonal wetland losses on the site must be provided, in conjunction with mitigation measures, to replace in-kind habitat values of jurisdictional wetlands delineated on the site.

B-1

B-4

<u>Appendix B, Bel Marin Keys Unit V Mitigation Monitoring and Reporting Program</u>: Specific information is not provided on monitoring and reporting success of proposed mitigation measures. Specific success criteria for hydrology, vegetation, invertebrate community development, wildlife use, etc. are needed to guarantee that proposed mitigation measures possess a reasonable likelihood of success. The time frame for the monitoring period should be clearly defined. A contingency plan should be developed that discusses possible remedial measures to be undertaken during the monitoring period, to ensure the eventual achievement of the mitigation success criteria.

MIT-1

B-14

SUMMARY COMMENTS

The Department finds that the DEIS does not completely or adequately address potential avoidance of adverse impacts to fish and wildlife resources. Therefore, we continue to recommend against issuance of a permit for the proposed project for the following reasons: 1) the project is not water dependent, 2) the proposed project alternative does not appear to be the least environmentally damaging reasonable alternative, 3) potential impacts to federally endangered listed species have not been fully addressed and evaluated, and 4) the proposed wetlands mitigation measures and monitoring plan are inadequate. We recommend that the "No Project" alternative be selected as the preferred alternative.

We have appreciated the opportunity to comment.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

FA-6

cc:
Director, OEA with original incoming
Regional Director, FWS, Portland

C.17

FA-7

TELEPHONE OR VERBAL CONVERSATION RECORD
For use of this form, see AR 340-15; the proponent agency is The Adjutant General's Office

DATE: 13 Nov 92

SUBJECT OF CONVERSATION: Bel Marin Keys Unit F EIS

INCOMING CALL

PERSON CALLING	ADDRESS	PHONE NUMBER AND EXTENSION
Mike Thibault	NMF	(707) 575-6
PERSON CALLED	**OFFICE**	**PHONE NUMBER AND EXTENSION**
Susan Ryan	Corps	(415) 744-3

OUTGOING CALL

PERSON CALLING	OFFICE	PHONE NUMBER AND EXTENSION
PERSON CALLED	**ADDRESS**	**PHONE NUMBER AND EXTENSION**

SUMMARY OF CONVERSATION:

Due to staffing constraints NMFS is unable to submit comments at this time. But they do have concerns regarding dredged material placement portion of project they would like to see more details + redesigns. B-3

NFI

(379)

2. State Agencies [redacted]

STATE OF CALIFORNIA — PETE WILSON, Governor

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
2101 WEBSTER STREET, SUITE 500
OAKLAND CA 94612

Phone: (510) 286-1255
Fax: (510) 286-1380

SA-1

November 2, 1992
File No. 2158.02(DRH)

RECEIVED BY
'92 NOV -2 P 4:16

MARIN COUNTY
PLANNING DEPT.

Tim Haddad
Marin County Planning Dept.
3501 Civic Center Drive, #308
San Rafael, CA 94903

Subject: Bel Marin Keys, Unit 5, Master Plan/Rezoning Draft EIR

Dear Mr. Haddad:

C.18

We have reviewed the Draft Environmental Impact Report/ Environmental Impact Statement (DEIR/DEIS) for the Bel Marin Keys Unit 5 Master Plan and Rezoning Application and have a number of comments on the proposed project. This letter summarizes our main points of comment below.

1. There is a difference of opinion between the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency regarding the amount of acreage on the site that is subject to jurisdiction under Section 404 of the Clean Water Act. The EPA has asked the Army Corps to revisit its 1985 jurisdictional determination and to find that all portions of the site under Section 10 jurisdiction are also under the jurisdiction of Section 404. We would like to see the Army Corps revisit their jurisdictional determination in this case and to resolve this dispute with EPA in the case of the Bel Marin Keys site.

B-1 In approving the Regional Board's Basin Plan amendments, the State Water Resources Control Board stated that the Regional Board should give deference to the EPA's administrative interpretation of wetlands definition. Under Regional Board wetlands policy, the Board will rely on wetlands delineation made by EPA or the California Department of Fish and Game in the rare cases where EPA and the Corps disagree. The Regional Board also has independent authority under the State Water Code to regulate discharges to wetlands through waste discharge requirements or other orders.

The county should be also be aware that the state of California has authority under the Clean Water Act, Section 401, and the California Water Code to require water quality certification for both Section 404 and Section 10 lands as waters of the state. Therefore, under the Regional Board's wetland policy, the applicant would be required to do an alternatives analysis for all Section

SA-1

B-1 cont'd ALT-2 404 or Section 10 wetlands proposed for fill. Under the Section 401 certification process the applicant would be required to do a complete alternatives analysis and would be required to prepare an acceptable mitigation plan for all fill of Section 404 or Section 10 lands. The Regional Board policy requires in-kind mitigation, preferably on-site, with no net loss of habitat acreage or habitat value.

2. Under Section 404(b)(1) guidelines, the project applicant must prove either that (1) the project is water-dependent or (2) there is no practicable alternative to the project. The DEIR/DEIS does not demonstrate that the main objective of the proposed project (housing) is water-dependent. The alternatives analysis ALT-2 suggests that several of the alternatives presented, including the Mitigated Project Design and the Reduced Size Alternative, are less environmentally damaging than the primary project. These alternatives should be examined in more detail and explanations included as to why the proposed project is the least damaging alternative.

3. We are concerned that the proposed project mitigation (managed mudflat and managed seasonal freshwater marsh) will not replace the habitat values lost through development of the site. The DEIR states that the project would result B-4 B-5 in a substantial change in species composition and would eliminate several habitat types. It also states that the project would result in regional reduction of seasonally important waterfowl habitat. The DEIR should include an analysis of the various habitat values of the proposed mitigation sites in relation to the habitat lost through development. The DEIR also does not adequately address B-2 the cumulative impacts of development in relation to adjacent sites and the regional reduction of seasonally important wildlife habitat.

4. The DEIR states that the proposed mitigation measures rely heavily on intensive management and monitoring and in some cases are experimental. The DEIR does not include enough detail to determine the feasibility of successful mitigation under these conditions. We are concerned that the mitigation B-4 depends on a great deal of continual maintenance and need to see more detail on who would be responsible for ongoing management of the sites and what financial arrangements would be made for the maintenance and monitoring. Other potential mitigation should be discussed, such as restoration of tidal marsh habitat.

5. The DEIR states that there are potential significant impacts of construction and dredging on Novato Creek and adjacent riparian and salt marsh habitat. These B-4 B-6 impacts need to be more fully detailed, along with potential effects from urban B-13 runoff into the creek and wetlands. The applicant should be aware that any dredging in the creek or widening of the creek channel also requires water quality certification by the Regional Board.

ATTACHMENT 23.

B-4, B-6, B-13 | 6. The DEIR states that impacts on fisheries in Novato Creek due to construction and boating activities would be minor. The report does not clearly describe the extent of the fishery resource in the creek or whether the assumption of minor impacts is based on Fish and Game assessment and sampling of the creek. This issue should be discussed in more detail and fishery resources documented.

B-3 | 7. The potential impacts on wetlands of construction of an access road to Highway 37 should be discussed in detail, including proposals for mitigation if there is to be any filling of Section 404 or Section 10 jurisdictional lands.

E-7 | 8. The State Water Resources Control Board issued a general statewide NPDES permit in August 1992 for construction activities of over 5 acres of ground disturbance. The permit requires a stormwater pollution prevention plan to control erosion and impacts from runoff during the construction period as well as requiring post-construction stormwater management plans and controls. The applicant should be aware of the requirements of the permit and must submit a Notice of Intent to be covered under the permit and have the pollution plan in place before beginning construction. The plan must include measures to control erosion from grading and construction, prevent erosion from drainage outfalls, and prevent pollution from post-construction increased street runoff into the storm drain system (creek, lagoons, etc.). The project should be also be aware of Best Management Practices guidelines proposed by the state for new development projects.

E-3 | 9. Since the project includes dredging and dredge disposal, the applicant should be aware that the disposal site will be required to be permitted by the Regional Board. The site will be required to have a long-term management plan and conform to waste discharge requirements. The DEIR should include more information on the potential impacts of dredge spoil decant on water quality and measures to be taken to mitigate for potential pollution.

E-1, E-4, E-5 | 10. The DEIS states that there have been numerous water quality problems in the past from the existing lagoons and that there is limited information on current water quality. The proposed project should include plans for analysis of the existing lagoons to determine whether urban runoff, pesticide, and boating-related pollutants are accumulating, in order to determine the potential effects of additional lagoon construction. The applicant may be required to prepare a lagoon management plan for control of discharges into the lagoon, algae control, and proper management and use of pesticides, fertilizers, etc. The lagoon may be subject to waste discharge requirements by the Regional Water Quality Control Board.

E-4 cont'd | 11. The proposed mitigation measures for the golf course operation should be

E-4 cont'd | implemented, including runoff prevention measures and proper uses of pesticides, herbicides, and fertilizers.

E-5 | 12. The project should include a management plan for the marina that incorporates the suggestions proposed by the consultant for preventing water quality degradation from boating activities.

4IT-1 | 13. There are a large number of environmental impacts identified for this project, with a concurrent number of proposed mitigation measures. A fair proportion of these are proposed by the consultant and it is unclear how many are planned to be adopted by the project applicant. We would like to see these proposals discussed in the final impact statement with a clear commitment by the project sponsor to implement them.

Thank you for the opportunity to review this DEIR/DEIS. We appreciate the amount of effort from the lead agencies that went into the preparation of the report.

If you have any questions or comments, please call Dale Hopkins at (510) 286-4398.

Sincerely,

Lawrence P. Kolb
for
Steven R. Ritchie
Executive Officer

cc: U.S. Army Corps of Engineers
U.S. Environmental Protection Agency
U.S. Fish & Wildlife Service
Bay Conservation and Development Commission
California Department of Fish and Game
National Marine Fisheries Service

State of California

Memorandum

To : (1) Carol Whiteside
State Project Coordinator
Resources Agency

(2) Tim Haddad
Marin County Planning Dept.
3501 Civic Center Dr., Rm 308
San Rafael, California 94903

From : Department of Boating and Waterways

The Resources Agency of California

SA-2

Date : August 28, 1992

Subject: SCH 89-072519
BEL MARIN KEYS
DEVELOPMENT

The Department of Boating and Waterways has reviewed the Draft Environmental Impact Report for the Bel Marin Keys Development Associates Master Plan and would like to offer the following comment:

C.20

A-4 The Draft Environmental Impact Report indicates that primary and secondary skiing areas will be developed as part of the proposed project. Special-use areas for vessels must be adopted by local ordinance through the auspices and requirements of Sections 651 (aa), 660, and 662 of the California Harbors and Navigation Code.

We appreciate the opportunity to review and comment on the proposed project. If you have any questions regarding the above, please contact Mr. Dave Johnson in Sacramento at (916) 445-2428.

BILL SATOW
Interim Director

STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY — PETE WILSON, Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS
1130 K STREET – 4th FLOOR
MAIL: P. O. BOX 942873
SACRAMENTO, CA 94273-0001
(916) 322-3090
TDD (916) 654-4014

RECEIVED BY
P 2:07

SA-3

September 17, 1992

Mr. Tim Haddad
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

Marin County's Draft EIR/EIS for Bel Marin Keys Unit 5; SCH #89072519

The California Department of Transportation, Division of Aeronautics, has reviewed the above-referenced document as required by CEQA. The following comments are offered for your consideration.

The project includes 1197 residential units, commercial and recreational uses and a school site to be located adjacent to Hamilton AFB. As discussed in the EIR/EIS, while Hamilton is planned to be decommissioned in 1995, future uses may include an airport facility. The EIR/EIS states that, "The significant impact of potential aircraft noise on sensitive residential land uses cannot be mitigated without further information on the future of Hamilton AFB." We

G-5 concur.

J-5 We concur with Mitigation Measure G.3 that future residents be notified of "aviation increase possibility." We also concur with the Mitigation Measures J.2 and J.3 that the fire station and school site will not be located within the Runway Protection Zone. In addition, pursuant to Education Code, Section 39005, prior to acquisition of a school site within two miles of an airport runway, a site investigation by Caltrans, Division of Aeronautics, will be required.

Thank you for the opportunity to review and comment on this proposal. If you have questions regarding our comments, please call me at (916) 324-1833.

Sincerely,

SANDY HESNARD
Environmental Planner

cc: State Clearinghouse
Marin County ALUC

(77)

ATTACHMENT 29

State of California Environmental Protection Agency

MEMORANDUM

To: Tom Loftus
State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

Date: September 17, 1992

Tim Haddad
Marin County Planning Department/USCOE
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

From: for
Lorraine Van Kekerix, Manager
Waste Generation Analysis &
Environmental Review Branch
Planning and Assistance Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: SCH #89-072519 DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE BEL MARIN KEYS UNIT 5, MARIN COUNTY

Project Description

The proposed project would construct a water-oriented, planned residential community on an approximately 1,610 acre baylands site southeast of Novato. This would be the final development phase of the existing Bel Marin Keys community.

Comments

California Integrated Waste Management Board (Board) staff has reviewed the DEIR for the project cited above and offer the following comments:

CN In consideration of the California Environmental Quality Act (CEQA) guidelines, Title 14 California Code of Regulations Section 15205(c), Board staff will comment only on specific issues involving solid waste generation, handling, and disposal.

C.21

SA-4

F) Include storage areas for recyclables in the design of homes, offices marine areas and retail establishments.

CN cont'd G) Consider ways to reduce generation of yard waste from landscape maintenance activities, such as reduced lawn areas, use of mulching mowers which leave grass clippings on lawns, composting or mulching of yard waste on site, landscaping with plants which produce less yard waste, etc. Perhaps the grass from landscaping and used for composting rather than for landfilling.

Board staff appreciate the opportunity to comment on the project in the early planning phase. If you have any questions regarding the staff's comments, please call Kevin Taylor of the Waste Generation Analysis and Environmental Review Branch at (916) 255-2334.

STATE OF CALIFORNIA — PETE WILSON, Governor

STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
THOMAS W. HAYES, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814

CHARLES WARREN
Executive Officer

SA-5

September 17, 1992

Ms. Carol Whiteside
State Projects Coordinator
The Resources Agency
1416 Ninth Street, Rm 449
Sacramento, CA 95814

Mr. Tim Haddad
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

C22

Dear Ms. Whiteside and Mr. Haddad:

This is in response to your request for comments to the above-referenced document (SCH 89072519). Please refer to State Lands Commission letter dated February 8, 1991 (enclosed) for earlier comments to the Bel Marin Keys Development Associates Master Plan with regard to State Lands Commission jurisdiction.

A-4 The EIR/EIS correctly identifies the State Lands Commission (SLC) jurisdiction. Although the Public Trust interests are not found within the proposed project (and alternatives) boundaries, the effect of development may affect Public Trust interests adjacent to the project. The SLC has a duty and responsibility to comment on activities which affect the sovereign and public trust interests.

ALT-3 ALT-4 MIT-2 The EIS/EIR identifies and discusses environmental impacts that are significant and provides mitigation measures to reduce these impacts to a level of insignificance in several instances. SLC agrees that the environmentally superior project identified in the EIR/EIS is the Mitigated Project Alternative. However, SLC is concerned that even this alternative plan has not reduced impacts to the extent possible. SLC suggests a planning approach for resource protection which avoids siting projects within habitat areas. A hierarchy of planning approaches should be considered 1) sensitive habitat avoidance, 2) mitigation by restoration or 3) enhancement or replacement of habitat functions. In the event of unavoidable habitat loss, wetland habitat loss should be mitigated in a ratio of one to three on-site.

A-4 B-3 B-4 B-6 The project's impact upon the levee and Novato Creek are of concern as SLC may have fee interest in portions of the creek. A 1961 boundary determination placed SLC jurisdiction adjacent to the levee along portions of the site. The EIR/EIS notes (page 5.40)

-15

ATTACHMENT 31

SA-5

A-4 B-3 B-4 B-6 cont'd that there is to be construction on the levee which may intrude upon the creek. Also the location of the dredge spoil site (page 5.46) may require review by SLC. Therefore, prior to project approval for this creek and levee activity, the State's interest shall be determined and necessary permits consistent with the public trust may be required.

For further information, please contact me at 916/327-4035.

Sincerely,

Dorothy Walker for

ELIZABETH PATTERSON
Resource Planning and Analysis Unit
Division of Environmental Planning and Management

Attachment

cc: OPR
Dwight E. Sanders
Mary Griggs

STATE OF CALIFORNIA

PETE WILSON, Governor

STATE LANDS COMMISSION

LEO T. McCARTHY, *Lieutenant Governor*
GRAY DAVIS, *Controller*
THOMAS W. HAYES, *Director of Finance*

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, CA 95814

CHARLES WARREN
Executive Officer

SA-5

February 8, 1991

Mr. Tim Haddad
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, California 94903

Dear Mr. Haddad:

C.23

This letter is in response to your request for comments to Marin County's Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Bel Marin Keys Development Associates Master Plan/Rezoning (SCH 89072519). Under the California Environmental Quality Act (CEQA), the County of Marin is the Lead Agency and the State Lands Commission (SLC) is a Trustee Agency.

SLC JURISDICTION

The State acquired sovereign ownership of all tidelands and submerged lands ("tidelands"), and beds of navigable waterways, upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for the statewide Public Trust purposes of waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests are generally based upon the ordinary high water marks of these waterways as they last naturally existed, and thus may not be readily apparent from present day site inspections. The State's sovereign interests are under the jurisdiction of the State Lands Commission.

Portions of the proposed project will be located immediately adjacent to sovereign tidelands and submerged lands owned in fee by the State. These lands include Novato Creek and San Pablo Bay. A permit from the SLC will not be required unless it is determined the project will be located on these lands.

ENVIRONMENTAL ANALYSIS

The Commission has a legal responsibility for, and a strong interest in, protecting the ecological and Public Trust values associated with the State's sovereign lands, including the use of these lands for habitat preservation, open space and recreation. The project has the potential for adversely impacting these values.

We generally concur with the broad scope of the environmental issues for this project as presented in the NOP.

All studies needed to evaluate the environmental effects of this project, including biotic studies of plants, animals, and aquatic resources should be conducted as part of the preparation of the Draft Supplemental EIR, and relevant impact analyses should be incorporated into the document along with pertinent proposed project alternatives to reduce the significant effects to a level of insignificance or proposed mitigation measures which will be incorporated into the project. Maps, charts, or other graphics should be included in the document to illustrate the location of biotic species and their habitats in relation to the project sites, and the proposals for their protection.

Moreover, the document should include specific information about the exact location of the mitigation site or sites; whether the mitigation proposes to create, enhance or restore the habitat; and the details of how the mitigation will compensate for the loss of the wetlands and the habitat for the sensitive species. Similar detailed information should also be described concerning impacts to water quality on Novato Creek and San Pablo Bay from sedimentation, erosion and runoff.

In addition, the specific terms and conditions of regulatory agencies which may be used to mitigate potential adverse effects for this specific project should be incorporated into the document, such as those of the State Department of Fish and Game, the U.S. Fish and Wildlife Service, etc. Citizens for Quality Growth v. City of Mount Shasta, (198 Cal. App. 3d 433) held that it is not adequate to merely rely on future compliance with regulatory programs of other agencies when considering mitigation measures. In addition, Sundstrom v. County of Mendocino (202 Cal. App. 3 296, 307) determined that future studies are insufficient mitigation. Instead, its findings require that detailed information about the project effects be provided to agencies and the public.

Finally, the document should address the project's consideration of the public's constitutional rights of access and use of the waterways within the project area. Government Code Section 66478.1, et seq. prohibits local agencies from approving either a tentative or a final map of any proposed subdivision to be fronted upon a public waterway, river, or stream which does not provide reasonable public access from a public highway to and along that portion of the bank of the river or stream bordering or lying within the proposed subdivision. This requirement should be observed for any proposed subdivisions along navigable waters [see Kern River Public Access Committee v. City of Bakersfield, 170 Cal. App. 3d/205 (1985)].

Although we realize that the reporting and monitoring program, pursuant to Section 21081.6 of the Public Resources Code, is not required to be adopted until the project is approved, and is not required to be incorporated into the environmental document, we

request that the County include the details of the program in the document. We can then be assured that the ecological values of the State's sovereign interests will be protected.

If you have any questions, please contact Diane Jones at 916-327-2920.

Sincerely,

DWIGHT E. SANDERS, Chief
Division of Environmental
Planning and Management

cc: Charles Warren, Executive Officer
OPR

File Ref.: W 23655

C24

PETE WILSON, Governor

STATE OF CALIFORNIA
SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CA 94102-6080
Phone: (415) 557-3686

SA-6

November 2, 1992

RECEIVED BY
NOV -4 A 11:57

Tim Haddad
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94303

SUBJECT: Public Notice No. 15813N33 for Bel Marin Keys Unit 5
BCDC Inquiry File No. 6921.2
Diked Historic Baylands File, Marin County, Bel Marin Keys Unit 5

Dear Mr. Haddad:

Thank you for requesting the Commission's comments regarding the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Bel Marin Keys Unit 5 proposed development just north of the former Hamilton Air Force Base near Novato in Marin County. The proposed project would include the development of 1,190 homes, a 200-berth marina, and creation and enhancement of 463 contiguous acres of wetland and wildlife habitat and 460 acres of waterways connecting to Novato Creek and San Pablo Bay.

Although the Commission has not had the opportunity to review the Draft EIR/EIS, the staff has reviewed the Draft EIR/EIS in light of the McAteer-Petris Act, the Commission's law, and its *San Francisco Bay Plan*, as well as the Commission's adopted advisory policies for diked historic baylands. We have the following comments:

Jurisdiction and Need for a BCDC Permit

A-4 The Commission's "bay" jurisdiction extends to the line of highest tidal action (estimated to be 6.0 feet NGVD datum at this site) along San Pablo Bay and along Novato Creek up to the easternmost power line crossing the Creek. The Commission also has jurisdiction over a 100-foot shoreline band measured inland from the line of highest tidal action. Any development within the Commission's jurisdiction will require Commission authorization prior to construction. Within the Commission's "bay" jurisdiction, fill can only be approved for water-oriented uses (such as ports, water-related industry, wildlife refuges, and water-oriented recreation and public assembly), and then only if there is no alternative upland location, the fill is the minimum necessary and will be placed in such a manner as

C.25

A-4 cont'd to minimize the destruction of Bay resources such as wildlife habitat, Bay volume, and water circulation. Work in the shoreline band can only be authorized if the Commission determines that the project provides the maximum feasible public access consistent with the project.

A-4 It is not clear in the EIR/EIS how much of the project would be within the Commission's jurisdiction. It seems likely that all improvements to the bayward levee would require a Commission permit, that at least a portion of the golf course would fall within the Commission's shoreline band, as would portions of the dredged material disposal area/shorebird habitat. While the EIR states that "the proposed project includes levees that would provide public access to the bayfront by developing hiking and bicycling trails along the shoreline and around the development" (page 4.51) these improvements are not shown on the site plan nor mentioned elsewhere. Public access should be permanently guaranteed and typically includes paths, benches, and landscaping to and along the Bay shoreline. Parking for the users of the public access areas should also be provided where appropriate.

PD-1 A-4

B-4 Measures to prevent or minimize potential conflicts between public access areas and sensitive wildlife areas should also be discussed. It would also be helpful to know how the site is currently being used by fishermen, hikers, and others, and what effects the proposed project would have on such use.

A-4

Diked Historic Baylands Policy

A-4 B-5 The *entire* site is designated a diked historic bayland in the Commission's report entitled *Diked Historic Baylands of San Francisco Bay* (diked historic baylands sites MR-21, MR-30A, MR-30B, and MR-33B). While the Commission does not have jurisdiction over diked historic baylands (areas that were once part of the Bay, but have since been diked off from tidal action and have not been filled), the Commission has adopted advisory policies concerning diked baylands because of the direct ecological interrelationship of these diked baylands with the Bay. These policies (included on pages 4.49 and 4.50) are based on the importance of diked historic baylands for migratory birds which depend on both the Bay and the adjoining seasonal wetlands of the diked historic baylands for survival. Diked historic baylands in agricultural use are particularly important both for their contributions to the Bay Area's economy, and because agriculture is one of the few land uses that is compatible with the Bay-related ecological values of the diked baylands. The Commission's policies also recognize that diked historic baylands present one of the few opportunities to protect and enhance the Bay's natural resources.

M-2 As the Draft EIR/EIS states "the proposed Project would result in the effective loss of 1,200 acres of oat hay agricultural land. This would account for approximately 50 percent of the total oat hay tonnage, 35 percent of the total harvested acres and 35 percent of the total value of all oat hay production in Marin County." A reduction

SA-6

in such a significant local forage resource would probably make Marin County and North Bay dairies and horse ranches more reliant on forage imported from outside the area. These impacts are not discussed in the EIR. Because of the site's obvious economic value for Marin County agriculture, the continued agricultural use of the site would seem to be economically feasible, and the development of the site for other uses may lead to cumulative impacts on the County's agricultural industries, including agriculture in other diked historic baylands. We agree with the statements in the EIR that retaining 247 acres of seasonal agricultural land is unlikely to be financially viable for oat hay production, and that "no mitigation measures are available that will reduce the level of significance for this impact." (page S.71)

M-2 cont'd

M-1

M-2

In addition, the Commission's diked historic baylands policies state that mitigation should be provided whenever there is a significant, unavoidable impact on the environment. While a significant portion of the project area will be in open space, much of the open space area (the 135-acre golf course and the 463-acre lagoon) will provide minimal wildlife value. The habitat value of the two other large open space areas (the 377-acre shorebird habitat and the 247-acre agricultural area) is also questionable. Both of these areas will require extensive monitoring and maintenance for the proposed habitat goals to succeed. For example, To maintain a water level of 2-6 inches across the shorebird habitat site and a constant sheet flow from north to south, pumping and constant maintenance of drainage facilities will be necessary, as will careful placement and grading of dredged material. Equipment failures may prove both costly and devastating to wildlife. In addition, dredged materials are to be placed on the shorebird habitat over 85 years. As stated in the EIR (pages S.33-S.34, page 5.46), this periodic disturbance will require the site to be restored after each dredging cycle and the project proponent will need to establish "specific procedures for handling and disposal of dredged material, protocols for sampling and determination of acceptable sediment quality to prevent importation of potentially hazardous materials which may bioaccumulate..., and procedures for establishing and monitoring vegetation establishment." In addition, "the managed mudflat would present even more problematic constraints, as such a proposal has not been implemented elsewhere to our knowledge" (page 5.46). Depending on the frequency and quality of these disturbances, a fully developed mudflat community may never become established at the proposed shorebird habitat.

B-4

A project with such impacts is clearly inconsistent with the Commission's advisory policies for the diked historic baylands.

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SA-6

Hamilton Air Field

The proposed project lies immediately north of Hamilton Air Field. Hamilton Field is designated in the Commission's *San Francisco Bay Plan* for airport priority use. A *Bay Plan* note for Hamilton Field (Plan Map 12) states:

> If and when not needed by military, retain as a general aviation reliever airport. Limit runway length and impose additional constraints to ensure general aviation use only. Areas valuable for wildlife habitat or potential restorable wetlands should be developed and managed for those purposes in a manner assuring general aviation use. Other areas not needed for aviation, and surrounding areas, should be developed for uses compatible with general aviation use and with restoration of wetlands and wildlife habitat.

The Draft EIR states that "future aviation use of Hamilton Field would expose some of the Project residences to noise levels above local and state standards over the long term. Construction of residential and commercial development near the Hamilton Field runway could place severe constraints on any existing aviation use for the airfield." (page 6.13) It is also likely that development of residential uses so close to the air field will lead to increased conflicts in the future if the air field is developed for general aviation uses. The Draft EIR should discuss how the project has been designed to accommodate future operation of the air field at the increased levels that may be experienced by a general aviation reliever airport, as well as measures designed to avoid possible future conflicts between the air field and adjoining residences.

G-5
J-5

Sea Level Rise

Should development be permitted on the site, the flood control design should account for increase in sea level rise. The Commission's recently adopted Bay Plan policies concerning sea level rise state:

> To prevent damage from flooding, structures on fill or near the shoreline should have adequate flood protection including consideration of future relative sea level rise as determined by competent engineers. As a general rule, structures on fill or near the shoreline should be above the wave runup level or sufficiently set back from the edge of the shore so that the structure is not subject to dynamic wave energy. In all cases, the bottom floor level of structures should be above the highest estimated tide elevation....

D-4

D-4 cont'd

To minimize the potential hazard to Bay fill projects and Bayside development from subsidence, all proposed developments should be sufficiently high above the highest estimated tide level for the expected life of the project or sufficiently protected by levees to allow for the effects of additional subsidence for the expected life of the project, utilizing the latest information available from the U. S. Geological Survey and the National Ocean Service. Rights-of-way for levees protecting inland areas from tidal flooding should be sufficiently wide on the upland side to allow for future levee widening to support additional levee height so that no fill for levee widening is placed in the Bay.

Local governments and special districts with responsibilities for flood protection should assure that their requirements and criteria reflect future relative sea level rise and should assure that new structures and uses attracting people are not approved in flood prone areas or in areas that will become flood prone in the future, and that structures and uses that are approvable will be built at stable elevations to assure long-term protection from flood hazards.

The EIR states simply that "levees must be engineered fill and reflect future sea level rise and minimize damage to sensitive wildlife habitats" (page 4.51) without stating how these goals will be accomplished.

Additional Issues

B-3 In addition to the issues listed above, the Draft EIR/EIS prepared for this project should address how transportation improvements, such as establishment of ferry service from Port Sonoma, development of rail transit, and any highway improvements required as a result of project construction, will impact both Bay and diked historic bayland resources. For example, the project also proposes that a second access road be constructed connecting Bel Marin Keys Boulevard to State Route 37 (pages 5.38 and 6.1). Although the precise location of this route has not yet been determined, any such road will cross diked historic baylands outside the project area. Such a road could affect other agricultural operations and will undoubtedly lead to growth inducing impacts on adjoining diked historic baylands as well as isolating habitats from other such areas in the region.

B-3 The Draft EIR/EIS should also more fully discuss the proposed ferry service. For example, will a ferry dock require any Bay fill and if so, how will the adverse impacts of the fill be mitigated? Any dredging that will be required as a result of the ferry service and a location for dredge spoil disposal should also be identified. Land

C.27

B-3 cont'd based transportation improvements, such as freeway widening and rail service, may also affect other areas of the Bay within the Commission's jurisdiction, or within other diked historic baylands. Such possible impacts should be fully discussed in the Draft EIR/EIS.

Conclusion

B-5 Bel Marin Keys Unit 5 is proposed entirely within a diked historic baylands that is currently in agricultural use. Diked historic baylands have high Bay-related wildlife value, and provide critical seasonal habitat for migratory waterfowl and shorebirds during the winter. Further, diked baylands present one of the last major opportunities to protect and enhance the natural environment of the Bay. Continued agricultural use of these diked baylands is important not only because of the contributions of such areas to the Bay Area economy, but because agriculture is a use which is compatible with the Bay-related values of the diked historic baylands.

G-5 J-5 In addition, the Commission's Bay Plan designates Hamilton Air Base immediately south of the project site for airport priority use and recommends that surrounding areas be developed for uses compatible with general aviation and with restoration of wetlands and wildlife habitat. Development of portions of Bel Marin Keys Unit 5 is likely to lead to future conflicts between residents and airport use at adjoining Hamilton Air Field and thus is inconsistent with Commission policy.

CN For all these reasons, Bel Marin Keys Unit 5 should be maintained in its existing agricultural use. If it is developed, any filling, excavation, development, or other change in land use should be fully mitigated.

Thank you for the opportunity to review the Draft EIR/EIS. If you have any questions regarding this letter or the Commission's policies, please do not hesitate to contact me.

Sincerely,

ROBERT J. BATHA
Environmental Planner

RJB/gg

STATE OF CALIFORNIA
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814
(TDD/TT) 1-800-735-2929
(916) 322-6375

PETE WILSON, Governor

SA-7

September 22, 1992

File Ref.: W 24932

Bel Marin Keys Development Corp.
P.O. Box 847
Mill Valley, CA 94942

Gentlemen:

Subject: Dredging in Novato Creek For the Construction of a Lock in Bel Marin Keys, Marin County

The staff of the State Lands Commission has reviewed U.S. Department of Transportation, Eleventh Coast Guard District, Public Notice No. 11-92, and has found that the project, as shown thereon, involves State land for which no lease or permit has been issued.

Therefore, you must secure a dredging permit from the State Lands Commission for the dredging of the entrance channel on State-owned land in Novato Creek.

A-4 In addition, your proposed project is subject to environmental review by the Commission's staff. Standards for this review are set forth in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Public Resources Code.

I have enclosed information relative to the Commission's application requirements. If you need more information or any assistance in preparing the application, please call Linda Martinez at (916) 322-6375.

Your cooperation and early response will be appreciated.

Sincerely,

FRED SLEDD
Public Land Management
Specialist IV

Enclosures

cc: Resources Agency
Attn: Project Coordinator

SEP

SEP 2 3 1992

ENCLOSURE(3)

(20) A

C.28

State of California

THE RESOURCES AGENCY OF CALIFORNIA

Memorandum

SA-8

To : Mr. Douglas P. Wheeler
Secretary for Resources

Mr. Tim Haddad
Marin County Planing Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94303

Date : September 23, 1992

Subject: Draft Environmental Impact Report (DEIR) for the Bel Marin Keys Unit 5 Project SCH# 89072519

From : Department of Conservation—Office of the Director

The Department of Conservation is responsible for monitoring farmland conversion on a statewide basis, administration of the Williamson Act and implementation of the State's soil conservation plan. The Department has reviewed the above DEIR and has the following comments.

C-29

The DEIR addresses development of a 1,610-acre site for 1,190 residential dwelling units, a neighborhood commercial center, 18-hole golf course, social center, marina, habitat enhancement program and related roadway and other infrastructure facilities. An existing lagoon would be expanded by 463 acres and the excavated material used as fill for the residential areas. The DEIR notes that: (1) the project will result in the significant impact of loss of 1,200 acres of oat hay land (the Department of Conservation's 1990 Marin County Important Farmland Map indicates that the site is Farmland of Local Importance); (2) a partial mitigation would be purchasing and preserving comparable agricultural land off-site and working with the Marin Agricultural Land Trust; (3) 247 acres will be preserved for wetland and agricultural use (this is less than the County's 500-acre threshold of agricultural viability); (4) the project would be precedent setting in its development of agricultural diked baylands; (5) the project may be incompatible with regional agriculture; and (6) the project sponsor will submit grading and erosion control plans to the County for approval prior to construction.

The DEIR provides a good discussion of the impacts of the project on agricultural lands and economy of the region. The Department recommends that the following additional information be included in the Final Environmental Impact Report (FEIR) to provide a complete discussion of the direct and indirect impacts of the project on regional agriculture and potential mitigation measures.

M-3

<u>Williamson Act</u>

- A map which identifies the location of agricultural preserves in the project area, the number of acres and type of land in each preserve (i.e., prime/non-prime).
- The location of Williamson Act contracts on lands within and adjacent to the project area.
- A discussion of any direct and indirect impacts of this project on the status of Williamson Act contracts on nearby properties.

ATTACHMENT 23

M-3 cont'd

- A discussion of the provisions for contract nonrenewals and cancellations (Government Code Sections 51282 and 51284; attached).

<u>Mitigation Measures and Alternatives</u>

Additional mitigation measures and alternatives that would lessen the farmland conversion impact of the project are:

- Implementation of existing agricultural land protection policies.
- Consideration of minimum parcel sizes for agricultural viability.
- Directing urban growth to lower quality soils in order to protect valuable agricultural land.
- Protecting other, existing farmland of equivalent, or better, quality through planning policy that relies on an active and strategic use of the Williamson Act.

M-2 M-3 M-4

- Establishing buffers such as setbacks, berms, greenbelts and open space areas to separate farmland from urban uses. Many communities have considered 300 feet as a sufficient buffer for impacts such as pesticide spraying, noise and dust.
- Implementing right-to-farm ordinances to diminish nuisance impacts of urban uses on neighboring agricultural operations, and vice-versa.
- Encouraging development of agricultural lands already compromised by adjacent urban development or contain property required for the extension of infrastructure or other public facilities, before considering development on agricultural lands that are not subject to such urban pressures.

The Department appreciates the opportunity to comment on the DEIR. We hope that the above issues are given adequate consideration in the FEIR. If I can be of further assistance, please feel free to call me at (916) 445-8733.

Deborah L. Herrmann
Environmental Program Coordinator

Attachment

cc: Ken Trott
Office of Land Conservation

Don McIsaac, President
Marin County RCD
P.O. Box 219
Point Reyes Station, CA 94956

WILLIAMSON ACT NONRENEWALS, CANCELLATIONS AND NOTICE REQUIREMENTS

GOVERNMENT CODE SECTIONS 51245, 51282, 51283.4, AND 51284

51245. Notice of Nonrenewal.

If either the landowner or the city or county desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract upon the other party in advance of the annual renewal date of the contract. Unless such written notice is served by the landowner at least 90 days prior to the renewal date or by the city or county at least 60 days prior to the renewal date, the contract shall be considered renewed as provided in Section 51244 or Section 51244.5.

Upon receipt by the owner of a notice from the county or city of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The county or city may, at any time prior to the renewal date, withdraw the notice of nonrenewal. Upon request by the owner, the board or council may authorize the owner to serve a notice of nonrenewal on a portion of the land under a contract.

Within 30 days of the receipt of a notice on nonrenewal from a landowner, the service of a notice of nonrenewal, the city or county shall deliver a copy of the notice or a notice of withdrawal or nonrenewal to the Director of Conservation.

51282. Cancellation as to all or part of land; conditions for approval.

(a) The landowner may petition the board or council for cancellation of any contract as to all or any part of the subject land. The board or council may grant tentative approval for cancellation of a contract only if it makes one of the following findings:

  (1) That the cancellation is consistent with the purposes of this chapter (California Land Conservation Act of 1965; Williamson Act); or

  (2) That cancellation is in the public interest.

(b) For purposes of paragraph (1) of subdivision (a) cancellation of a contract shall be consistent with the purposes of this chapter only if the board or council makes all of the following findings:

  (1) That the cancellation is for land on which a notice of non-renewal has been served pursuant to Section 51245.
  (2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.

GOVERNMENT CODE
Page Three

Section 51282 continued

(d) For purposes of subdivision (a), the uneconomic character of an existing agricultural use shall not by itself be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put.
(e) The landowner's petition shall be accompanied by a proposal for a specified alternative use of the land. The proposal for the alternative use shall list those governmental agencies known by the landowner to have permit authority related to the proposed alternative use, and the provisions and requirements of Section 51283.4 shall be fully applicable thereto. The level of specificity required in a proposal for a specified alternate use shall be determined by the board or council as that necessary to permit them to make the findings required.
(f) In approving a cancellation pursuant to this section, the board or council shall not be required to make any findings other than or in addition to those expressly set forth in this section, and, where applicable, in Section 21081 of the Public Resources Code.

51283.4. Certificate of tentative cancellation fees.

(a) Upon tentative approval of a petition accompanied by a proposal for a specified alternative use of the land, the clerk of the board or council shall record in the office of the county recorder of the county in which is located the land as to which the contract is applicable a certificate of tentative cancellation, which shall set forth the name of the landowner requesting the cancellation, the fact that a certificate of cancellation of contract will be issued and recorded at such time as specified conditions and contingencies are satisfied, a legal description of the property. Conditions to be satisfied shall include payment in full of the amount of the fee computed under the provisions of Sections 51283 and 51283.1, together with a statement that unless the fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of the certificate of tentative cancellation, such fee shall be recomputed as of the date of notice described in subdivision (b). Any provisions related to the waiver of such fee or portion thereof shall be treated in the manner provided for in the certificate of tentative cancellation. Contingencies to be satisfied shall include a requirement that the landowner obtain all permits

SA-8

GOVERNMENT CODE
Page Five

Amendments to Section 51284 effective January 1, 1992.

51284. Public hearing; notice and publication.

No contract may be canceled until after the city or county has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be published pursuant to Section 6061 and shall be mailed to every owner of land under contract, any portion of which is situated within the same agricultural preserve and within one mile of the exterior boundary of the land upon which the contract is proposed to be canceled. In addition notice of the hearing and a copy of the landowner's petition shall be mailed to the Director of Conservation. Within 30 days of tentative cancellation of the contract, the city or county shall publish a notice of its decision, including the date, time, and place of the public hearing, a general explanation of the decision, the findings made pursuant to Section 51282, and a general description, in text or by diagram, of the land under contract, as a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city or county. In addition, within 30 days of the tentative cancellation of the contract, the city or county shall deliver a copy of the published notice of the decision, as described above, to the Director of Conservation., The publication shall be for informational purposes only, and shall create no right, standing, or duty that would otherwise not exist with regard to the cancellation proceedings.

C.31

State of California

Memorandum

(10)/ 11-2 Late — Include topic underlined on one row

To : Michael Chiriatti
OPR, SCH
1400 10th Street
Sacramento, CA 95814

Date : October 22, 1992

Place : Sacramento SA-9

Phone: (916) 654-0897

From : Department of Food and Agriculture - Ray Borton, Sr. Agricultural Economist
Agricultural Statistics Branch

Subject: EIR/EIS Bel Marin Keys Unit 5 SCH No. 89072519

The California State Department of Food and Agriculture appreciates the opportunity to comment on this document since 1,200 acres of productive agricultural land are involved.

M-2 Although this land is currently producing a relatively low value crop (oat hay), it is potentially more productive land and its conversion to urban/other at this point has a potentially significant impact.

M-3 We would like to recommend the Mitigation Measure M.1 (page 5.270) requiring the Project Sponsor to secure the protection of other agricultural land through purchase of development rights. This may be done through the Marin Agricultural Land Trust, The American Farmland Trust or other similar agency.

SA (117)

URNAMF

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY PETE WILSON, Governor

DEPARTMENT OF TRANSPORTATION
BOX 23660
OAKLAND, CA 94623-0660
(510) 286-4444
TDD (510) 286-4454

October 27, 1992

RECEIVED BY
1992 OCT 29 P 4: 12
MARIN COUNTY PLANNING DEPT.

SA-10

MRN-101-18
SCH: 89072519
MRN101121

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, # 308
San Rafael, California 94903

Re: **Draft Environmental Impact Report (DEIR) and Draft Environmental Impact Statement (DEIS): Proposed Bel Marin Keys Unit 5 (BMK5), Master Plan and Rezoning. Located north of Hamilton Field, east of U.S. 101, south of State Route (SR) 37. The existing Bel Marin Keys Units 1-4 are adjacent. Unit 5 is to be the final phase.**

Proposal is for a 1,190 unit planned residential community, 152,000 sq. ft. neighborhood commercial retail center, 13.5 acre golf course, 50,000 sq. ft. community center, 200 berth marina, and a restaurant on approximately 1,610 acres of baylands. The water-oriented development would include a series of lagoons connected to San Pablo Bay.

The Marin County Planning Department and the U.S. Army Corps of Engineers are the lead agencies for the project.

C.32

Dear Mr. Haddad:

Thank you for including the California State Department of Transportation (Caltrans) in the environmental review process. We have reviewed the above referenced DEIR/DEIS and forward the following comments:

PROJECT OBJECTIVES:

PD-4 1.) One of the three "specific goals" of the project sponsor is stated under Project Objectives on page S.1. It is "To remove more peak-hour, peak-direction traffic from Highway 101 than is generated by Bel Marin Keys Unit 5 development"

Again on pg. 1.4, a statement is made that the project sponsor's application states "It is the goal of the developer ... to make major contributions to each of

ATTACHMENT o.

... three categories." One contribution is listed as to "Take more traffic off the Freeway than BMK5 puts on."

PD-4 cont'd

These goals are certainly to be recommended.

COR 2.) On pg. S.2, the DEIR/DEIS proceeds that "The project Sponsor would participate in several local roadway and interchange improvements required to accommodate traffic generated by the Project and other cumulative development. These improvements include redesign of the Ignacio Boulevard/Bel Marin Keys Boulevard/Highway 101 interchange, a new second access road connecting Bel Marin Keys to Hamilton Field, and a new second access road connecting Bel Marin Keys to State Route 37."

Mitigations to accommodate the traffic generated by the project certainly must be required.

COR 3.) On pg. S.2, it is stated that "Several public transit improvements are proposed including a commuter service operating from a new ferry terminal at Port Sonoma/Marin to provide peak service to the San Francisco ferry terminal. Ferries capable of transporting 350-400 passengers per trip are envisioned. Other improvements proposed by the Project Sponsor designed to reduce off-site traffic include a shuttle bus service connecting with the ferry terminal and the Golden Gate Transit, provisions for a light-rail station, a bikeway system along Bel Marin Keys Boulevard and the perimeter road, and a child care center."

Caltrans encourages the provision of transit options. Modal alternatives to single-occupancy vehicular travel are encouraged. On site services, such as a child care center, may reduce off site trips.

MITIGATION:

PD-4 C-9 1.) **While the objectives, goals, and proposals enumerated above are interesting, and even grandiose, the DEIR/DEIS fails to substantiate their feasibility, funding, or scheduling. The goal of removing more traffic from U.S. 101 than the project puts on seems rhetorical in nature. There is no documentation in the DEIR/DEIS that the project proponent is committed to mitigations that would in fact come even close to that goal. On page S.25, a major concern of residents in the area is stated as "Traffic congestion on Highway 101 and associated interchanges...." The lack of a secondary access is also cited. Caltrans shares those concerns. Caltrans concurs with the assessment that "The unresolved issue is the potential for the proposed Project to assist in resolving these transportation and access issues through roadway and public transit improvements rather than compounding them through the addition of more traffic onto the roadway network" (pg. S.25).**

C-9 2.) The project has the potential to significantly deteriorate traffic conditions in the area and induce growth, which would further deteriorate traffic conditions. Mitigations need to be realistic, workable, timely, and adequate. **Caltrans adamantly requests that all traffic/circulation impacts be addressed and mitigated.** Mitigation responsibility belongs exclusively to the lead agency.

CUMULATIVE IMPACTS:

C-8 C-9 1.) We are particularly interested in mitigations for cumulative impacts. On page S.9, the document states the "The Project would add incrementally to the cumulative need for capacity expansion of U.S. Highway 101." The document continues that "if substantial new capacity were added to U.S. Highway 101 as a result of this demand, it would further induce growth on north Marin County and Sonoma County due to improved access to employment centers." **The increased growth in this region would in turn add incrementally to the cumulative need for capacity expansion of U.S. 101.** A cycling of capacity expansion, capacity saturation, and renewed needs for capacity expansion could result. How does the project goal of taking more traffic off the freeway than the project puts on, interface with the conclusion that the project would contribute to the need for more and more lanes on U.S. 101?

HIGHWAY INFRASTRUCTURE:

C-9 1.) The funding of infrastructure improvements is mentioned several times in the document, however, the discussion is vague in nature. On page 2.6, it is said that "The costs would be financed through development fees or through the formation of a proposed special assessment district." On page 5.122, it is stated that the County has no mitigation fee program for the Bel Marin Keys area. In the summary section, on page S.46 -47 (C.23), the economic feasibility of various mitigations, including those on U.S. 101 and SR 37, is held out as a reason why mitigations may not be implemented. **Please provide details regarding mitigation funding. It is suggested that if the project's developer is unable to pay for the mitigations for the project, either the County will need to fund the mitigations, or the project should be denied.**

C-6 2.) In figure 5.C-20, mitigation measures for project traffic are shown. Additional lanes on the Ignacio Boulevard/U.S. 101 ramps, and signals at the intersections of Nave Drive/U.S. 101 and Alameda del Prado/U.S. 101 are shown. **Neither additional lanes to provide increased capacity *up to* the mainline of U.S. 101, nor signals, provide mitigation of mainline traffic impacts.**

C-7 3.) Please provide additional details regarding the mitigation proposal for the interchange of Ignacio Boulevard/U.S. 101. Is widening of the structure (bridge) proposed to accommodate the proposed additional lanes?

C-7 C-9 4.) No mitigation has been mentioned for the ramps in the vicinity. Do ramps need to be widened and/or lengthened?

C-6 5.) **The impacts on the mainline freeway operation and capacity is not made clear in the document. The impacts of project generated traffic (discussed on page 5.95 as Impact C-8), are classified as Class III, which means they are ! significant. The conclusion seems to fail in recognizing the contribution of the project to cumulative traffic impacts. Documentation on the Buck Center, conversely, recognizes that the freeway would be negatively impacted under cumulative conditions. Considering the capacity of each freeway lane to be between 1,500 and 1,800 vehicles per hour, how can the generation of up to 7,000 vehicles per hour be considered to be without significant impact. Furthermore, what must be obvious to all observers is that U.S. 101 has no reserve capacity left. All that remains is for the peak period traffic to be spread over longer and longer hours. Analyzed on a systems basis, there is no feasible way to provide additional capacity on U.S. 101.**

C-2 6.) **A statement regarding Caltrans' probable negative reaction to a proposal for a new connection to SR 37, is stated on page S.25. Details regarding the proposal are not provided, however, Caltrans has not taken a position to arbitrarily opposed a new connection to SR 37. The continuity with Hanna Ranch Road, leading to the new Roland Boulevard retail center, has been sought for years. Certainly, Caltrans did not post any objections in earlier years when the idea surfaced. Caltrans prepared a Project Study Report (PSR) in 1989, at the request of the City of Novato. The study area included the vicinity of the U.S. 101/SR 37 Interchange. A tentative alignment for the proposed McInnis Parkway, leading from the Bel Marin Keys area north to Rowland Boulevard is shown in the PSR.**

C-2 7.) **The <u>Project Sponsor's Proposed Street Network</u> plans (both with and without a connection to San Rafael) are described on pages 5.69-5.72. These proposals ostensibly would accommodate most of the project generated traffic, with a net loss of service at just a few places on U.S. 101. Caltrans' concern is that while McInnis Parkway concepts are boosted with the developer's analysis, it remains for the County of Marin to point out the complications and implications of such a proposal outside the BMK5 area. Impacts to interchanges on U.S. 101 south of the Alameda del Prado Interchange would need to be fully considered (e.g., North San Pedro Road and Manuel Freitas Parkway).**

TRAFFIC DATA:

C-5 COR 1.) The assumptions for calculations of the Level Of Service (LOS) are not compatible with the proposed lane configurations. It seems that in calculating the LOS some favorable assumptions were used to to obtain an improved

C-5 LOS. For impact number C.3, (Ignagio Boulevard/Northbound 101 ramps) Caltrans used the traffic volumes shown in figure 5.C 14 and the mitigations proposed in figure 5.C-19. We recalculated the LOS for location number 3. We found that under cumulative conditions, the LOS will be between E and F, not C or D (AM and PM respectively).

COR 2.) Appendix F of Volume 2 contains signalized intersection capacity analysis sheets. These sheets depict land configuration, turn movement volumes, and LOS calculations. The sheets are not numbered, which makes them difficult to compare with the tables and figures in Volume 1. It is noted, however, that there inconsistencies in comparing data for intersection 3. The volumes and traffic configurations are not consistent, therefore, they are unreliable.

C-5 3.) For location # 3, on figures 5.C-15, 16, 17, the existing eastbound left turn movements are not shown, and were not used in the LOS calculations. The volumes are different, and the assumptions are not clear. Only one location was checked (location #3). It was found to be very confusing. Caltrans believes that the impacts will be more severe than they have been presented in the DEIR/DEIS. We, therefore, question the validity of the conclusions regarding mitigations.

COR 4.) For location #6, under Existing Traffic Flows (pg. 5.54), *southbound* should be changed to *northbound*.

FERRY SERVICE:

C-1 1.) The commuter ferry service is described on page 2.5 as one morning and one evening trip to/from the San Francisco ferry terminal, capable of transporting 350-400 passengers per trip. No demographic or feasibility data is provided to support the assumption that such a service would reduce project trips. Please provide documentation.

C-1 2.) Regarding funding, page 5.283, states that the developer "... would be responsible for ensuring the commuter ferry operation until 95 percent of the residential lots in unit 5 are sold, or 10 years from the date of commencement of construction of the Unit 5 Project, whichever occurs earlier." Is there an estimate of how soon 95% of the lots could be sold? No long term funding source is identified. The scheduling of the service is not given. Will the new service be established in time to mitigate the immediate traffic impacts of BMK5? On page 5.132, Federal, State and local subsidies are revealed as necessary to cover operating costs. The document continues that proposed financing for the ferry service is not available. Please provide financing, implementation, and scheduling details.

C-1 3.) A Metropolitan Transportation Commission (MTC) report is referenced on page 5.131. While only one AM trip is proposed in the DEIR/DEIS, the MTC

C-1 cont'd report is said to consider two AM trips. Of the 338 commuters who would be attracted to use the two-trip AM service, how many would be drawn from the current pool of single-occupancy motorists on U.S. 101? How many would already be transit users?

SHUTTLE BUS SERVICE:

C-4 1.) Details should be provided regarding the mitigation effects that a shuttle service would provide. The 35 vehicle peak period reduction on U.S. 101, mentioned on page 5.131, is a minimal reduction. Furthermore, the traffic impacts of new bus routes on U.S. 101 and/or SR 37 to and from a ferry operation have not been analyzed. Operation is presumed during the two peak commuter periods. A complete traffic study for any proposed new ferry service will need to be provided to Caltrans.

C-1

LIGHT RAIL:

C-3 1.) While Caltrans has encouraged the acquisition of the NWPRR line for potential use as a commuter line, such a service cannot be used as mitigation for BMK5. We support the reservation of land for future train terminals, associated parking facilities, and possible double tracking, however, it could be many years before a passenger service is operational.

BIKEWAY SYSTEM:

C-11 1.) Please explain the statement on page 5.67 that "A Class II Bikeway provides a striped lane for one-way bike travel on a street or Highway 101."

2.) A bike path system is listed as a mitigation in the summary section of the document (pg. S.46). Details regarding the implementation of such a system for BMK5 is not found in the document. Trip reduction figures are not provided. Pedestrian traffic should also be considered as a means to reduce on-site trips. Please provide documentation.

AIR QUALITY:

F-6 1.) Assumptions regarding future technological advances in cleaner fuels production and engine efficiency are not acceptable mitigations for the air quality impacts of the project (pg. S.14). The document states that no "violations are expected after 2002" based on these assumptions, however, the document also states that "Operation of the Project would add daily and peak-hour vehicle trips, irreversibly, to local streets and intersections" increasing "related emissions into the air of total organic gases, carbon monoxide, and nitrogen gases." How are these air quality impacts to be mitigated?

SA-10

F-1 2.) Inconsistency of this project with the Clean Air Plan is noted (pg. S.14). This should be avoided.

SUMMARY:

1.) In summary, Caltrans finds that the DEIR/DEIS is completely inadequate in fully disclosing the traffic/circulation system impacts of the proposed development. Data is internally inconsistent and/or omitted. Mitigations, as proposed are inadequate --not substantiated as feasible or realistic. The documentation of mitigation responsibility is especially weak. A clear plan of point by point mitigation of each significant impact should be demanded by the lead agency. We suggest that no action be taken to certify this document until a revised traffic study is provided to Caltrans for review and approval.

We are willing to coordinate a meeting with the County, the project proponent, traffic consultant, and Caltrans staff at your earliest convenience.

Should you have any questions regarding these comments, please contact Terry Barrie or Lynne March of my staff at (510) 286-5592 or (510) 286-5589, respectively.

Sincerely,

PRESTON W. KELLEY
District Director

by Gary F. Adams

GARY F. ADAMS
District CEQA Coordinator

cc:
Mike Chiriatti, SCH
Susan Pultz, MTC
Sally Germain, ABAG

C.35

STATE OF CALIFORNIA—THE RESOURCES AGENCY

DEPARTMENT OF FISH AND GAME
POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500

November 2, 1992

SA-11

Mr. Calvin Fong
U. S. Army Corps of Engineers
211 Main Street
San Francisco, California 94105-1905

Mr. Mark Riesenfeld
Marin County Planning Department
3501 Civic Center Drive #308
San Rafael, California 94903

Bel Marin Keys Unit 5; Draft Environmental Impact Statement/Environmental Impact Report (DEIS/EIR)
Marin County

C.36

Dear Messers Fong and Riesenfeld:

Department of Fish and Game personnel have reviewed the DEIS/EIR for Bel Marin Keys Unit 5 (BMK5) and visited the site. The project proposes construction of 1,190 residential units, a neighborhood commercial center, an 18-hole golf course, a social center, a marina, a 669 acre habitat enhancement program and related road and infrastructure improvements on the 1,610-acre site. The development would be situated around a 436-acre expansion of the existing lagoon presently serving BMK Units 3 and 4.

The site supports approximately 116 acres of wetland subject to Corps jurisdiction under Section 404 and 969 acres subject to jurisdiction under Section 10. Currently, the majority of the site is farmed for the production of oat hay. Historically, the site was part of the bay's tidal wetland system. It has been diked for many years resulting in subsidence. The majority of the area is currently below mean sea level. The area is subject to flooding and ponding during the rainy season. These areas of seasonal ponding provide important habitat for shorebirds and waterfowl. The site also provides important habitat for a wide variety of resident and migratory raptors.

B-1
B-5 We are concerned about the stated amounts of wetlands the DEIS/EIR indicates will be impacted. Though the Corps is claiming jurisdiction over 116 acres of wetlands on the site, we believe the site contains much higher acreage of seasonal wetlands than the 116 acres under the Corps jurisdiction. Most of the site has seasonal wetland values during the winter, and we consider the loss of this seasonal wetland significant and mitigation a necessity.

SA-11

B-6 The site contains significant areas of pickleweed, and brackish and seasonal freshwater marsh. Pickleweed habitats on the site were trapped for the endangered salt marsh harvest mouse in 1988. None were found. Existing occupied habitat is in close proximity to that present onsite. Based on similar situations, it is likely that the species may use the site. Impacts to the species are not addressed based upon the negative 1988 results. The site should be retrapped and specific mitigation for the species identified if it is present.

B-6 The endangered California clapper rail and State-listed threatened California black rail occupy the tidal salt marshes along Novato Creek and bordering San Pablo Bay. The proposed project will increase human intrusion into their habitat, and increased scour along Novato creek is likely to result in erosion and degradation of habitat. The document does not address these impacts adequately.

B-1
B-4 The total loss of existing jurisdictional wetland habitats on the project site is a significant impact. In addition, the loss of areas which seasonally pond is significance. The proposed creation of 377 acres of controlled mudflat does not compensate for the loss of wetland on the site. Mudflats, though valuable feeding areas for shorebirds, do not provide compensation for lost wetland values resulting from the project. In addition, the anticipated use of these mudflat areas as future dredge disposal sites reduces their value as shorebird feeding areas. The mudflat area was envisaged as the mechanism for addressing loss of seasonally ponded areas in the Habitat Assessment conducted jointly by the project proponent, the Department, and the U. S. Fish and Wildlife Service. In that assessment, use of the site as currently proposed was not incorporated into the assumptions. The current proposal would potentially compromise desired habitat values and complicate management. The Department does not believe that the current proposed mitigation would adequately address the loss of seasonally ponded areas on the site. Since the site is already subsided, further excavation of this area should not be permitted. Additionally, the proposed system appears to be extremely complicated requiring pumping and intensive management. This type of operation is potentially expensive to operate and subject to operational problems which could substantially reduce habitat values. The qualifications of the managing agency or agent should be identified. These issues must be more fully addressed in the document.

SA-11

The proposed 247-acre seasonal marsh/agricultural area serving as mitigation for wetlands loss is not acceptable nor do we consider the dual function feasible based upon the information provided. In order for the seasonal wetland concept to *function*, a reliable source of water must be identified and secured. If flooding using water from the lagoon is anticipated, not only will the freshwater nature of the seasonal marsh be compromised due to the brackish to salt water condition of the lagoon in early fall, but the viability of the soil as agricultural land would be compromised. Additionally, to function as viable seasonal wetland, the land should remain flooded as long as possible in wet years, possibly into early summer. Proposing agricultural uses on the seasonal wetland would necessitate pumping the site dry as soon as possible, thus eliminating wetland values. The seasonal wetland/agricultural land concept needs re-evaluation and a specific plan which defines when wetlands will be established and when agricultural uses will take place. Sources of water for seasonal flooding must be identified and guaranteed, as well as responsibilities for management of the site in future years. Until this information in the form of a comprehensive management plan is developed, reviewed, and accepted, we do not believe any of the proposed 247 acres are acceptable as mitigation for wetland losses. We do not believe that the proposal as currently designed is feasible and would recommend against combining wetland and agricultural uses as mitigation. B-4 M-1

The project would result in the loss of a significant amount of historic wetland habitat which could be restored. While mitigations are incorporated to address existing wetland losses, no measures are identified to mitigate this impact of the development. We believe that this would be a significant impact which should be mitigated if the project is to proceed. B-1 B-5

The document identifies the need for new southern and northern accesses to the project site. Both roadway improvements will potentially result in wetland and wildlife impacts which are not adequately assessed in the document. A more thorough assessment of impacts and alignments is necessary to allow reviewers to evaluate the impacts and adequacy of mitigation for these project elements. B-3

We have serious concerns over the amount of unavoidable wetland impacts associated with this project. We do not believe all of the impacts to the 116 acres of wetland are unavoidable. We recommend that avoidance of the pickleweed and brackish B-5

C.37

SA-11

marshes be given priority and the project redesigned to protect these areas, including buffer areas. The document identifies project alternatives which would reduce wetland impacts while achieving the project purpose. It is difficult in reviewing the alternatives to assess their impacts based upon the descriptions provided. We recommend that site plans for all of the alternative development scenarios be included in the document. LT-1

In summary, we believe the DEIS/EIR is inadequate in its evaluation of project alternatives. We believe the proposed mitigation measures do not adequately compensate for the loss of 116 acres of jurisdictional wetlands or the extensive areas of seasonal ponding proposed for fill as a result of the project. We recommend denial of any permits for the project and that the EIS/EIR not be certified until a comprehensive evaluation of all wetland impacts is developed, avoidance scenarios evaluated, and detailed wetland mitigation measures for unavoidable impacts to wetlands is circulated and approved by responsible resource agencies.

The Department has direct jurisdiction under Fish and Game Code sections 1601-03 in regard to any proposed activities that would divert or obstruct the natural flow or change the bed, channel, or bank of any stream. We recommend early consultation since modification of the proposed project may be required to avoid impacts to fish and wildlife resources. Formal notification under Fish and Game Code Section 1603 should be made after all other permits and certifications have been obtained. Work cannot be initiated until a streambed alteration agreement is executed. A-4

If you have any questions or concerns regarding our comments, please contact Fred Botti, Associate Wildlife Biologist, at (707) 944-5534; or Carl Wilcox, Environmental Services Supervisor, at (707) 944-5525.

Sincerely,

Brian Hunter

Brian Hunter
Regional Manager
Region 3

cc: See Attached List

SA-11

cc: Ms. Ruth Pratt
U. S. Fish and Wildlife Service

Mr. Jim Browning
U. S. Fish and Wildlife Service

Mr. Mike Monroe
Environmental Protection Agency

Mr. Dale Bowyer
San Francisco Regional Water
Quality Control Board

Bay Conservation and Development Commission

Ms. Barbara Salzman

Mr. Gordon Jacoby
Venture Corporation

3. Local Agencies 

SONOMA COUNTY

DEPARTMENT OF PLANNING

575 Administration Dr., Room 105A ■ Santa Rosa, California 95403 ■ (707) 527-1900

Kenneth L. Milam, AICP
Planning Director

James P. Olmsted, Jr.
Assistant Planning Director

August 12, 1992

LA-1

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dear Mr. Haddad:

Thank you for submitting to our office for comment the Draft EIR for the proposed Bel Marin Keys, Unit 5 Subdivision.

We want to make the following comments after preliminary review of this rather large document.

A-2

1. The loss of wetlands and land that could be restored to wetland is identified as significant and unavoidable. There does not appear to be a public benefit of the project that could be used as a basis for a Statement of Overriding Considerations. By all appearances, this does not appear to be a good location for urban development as the site is detached from any of Marin County's urban communities (cities).

A-3
C-1

2. Pages 5.131 and 5.132: The proposed start-up of ferry service at Port Sonoma is not consistent with the Sonoma County General Plan. This project is not justified as a mitigation for the proposed Bel Marin Keys, Unit 5 Subdivision impacts on transportation. By implication in the Draft EIR, the ferry users would logically come from north of the ferry site rather than from south, e.g. from Sonoma County. Obviously, the provision of ferry service from Port Sonoma could and probably would have growth-inducing effects upon Sonoma County. Given this likelihood, the County is unlikely to approve a General Plan Amendment and use permit for such ferry service from Port Sonoma.

We request that this mitigation measure be deleted.

Thank you for requesting our comments on this Draft EIR.

Sincerely,

Richard Lehtinen

RICHARD LEHTINEN
Senior Environmental Planner

cc: Supervisor Harberson
Angus Latta
City of Petaluma
City of Sonoma

C-39

ATTACHMENT 12

LA-2

NOVATO SANITARY DISTRICT
500 DAVIDSON STREET • NOVATO • CALIFORNIA 94945 • PHONE (415) 892-1694 • FAX (415) 898-2279

BOARD OF DIRECTORS
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Manager-Engineer-Secretary
JAMES T. MORTON
Attorney

August 25, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Subject: Bel Marin Keys Unit 5 DEIR/DEIS

Dear Mr. Haddad:

C.40

Thank you for the opportunity to comment on the above report.

On Page 5.239 of Volume One, under the heading "San Pablo Bay Effluent Disposal Facilities", there is discussion about the impact of the proposed development on Novato Sanitary District's 54-inch diameter outfall force main that transports effluent from the Novato and Ignacio wastewater treatment plants to San Pablo Bay.

The DEIR/DEIS correctly notes that the outfall force main exists in an easement previously granted to the District. However, the report goes on to say that, "When the District purchased the easement for the force main it did not buy the surface rights, therefore the NSD does not control future surface uses or such activities as placement of fill material". This statement is only partially correct.

K-4

The easement document contains the following provisions:

"...easement for the purpose of acquiring, constructing, completing, reconstructing, repairing, maintaining and operating sanitary sewer mains and appurtenances, including utilities, for said District, together with the right of ingress and egress therefor."

"...in no case shall buildings or structures be constructed over said easement and materials shall not be piled on said easement without the written consent of said District. In the event the land adjacent to the easement and within the area of the easement is

ATTACHMENT F

LA-2

filled, said fill shall be spread evenly over the existing surface of said adjacent land and easement area and shall be placed to the satisfaction of the District's engineer."

In addition, the District's easement rights include the right of access to the facilities constructed in the easement. In our judgement, creating artificial ponding over significant lengths of the easement would violate the District's access rights. Having said that, we do however believe it would be possible to creatively design the proposed marsh in such a way that adequate access to the District's outfall could be maintained. For example, a slightly elevated all weather access road could be constructed over the easement which would provide pipeline access, while also providing needed access for marsh maintenance, mosquito abatement, etc.

K-4 cont'd

We believe that the proposed seasonal flooding of the 247-acre marsh/agricultural area would be a significant negative impact unless this action is properly mitigated. The District's outfall force main is a very important community asset and maintenance of appropriate access to this facility is imperative. As noted in the DEIR/DEIS, this outfall provides the District's sole means of discharging treated wastewater during the winter months.

Accordingly, it is strongly urged that this issue be considered a significant impact, and that a mitigation measure be included in the final EIR/EIS requiring that the developer create a marsh design that will provide adequate access to the District's outfall force main to the reasonable satisfaction of the District.

Very truly yours,

CHARLES A. JOSEPH
Manager-Engineer

ltr\haddad1.ltr
CAJ:BLB:jpb

LA-3

INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS

September 2, 1992

TO: Tom Roberts, Land Development

FROM: John Wooley, Flood Control

RE: Bel Marin Keys V
Draft EIR/EIS Comments (August 1992 Version)

C.41

GEN-3 I have reviewed the above referenced document and find it acceptable as presented.

The members of the Flood Zone One Advisory Board have been sent the pertinent sections and may be sending comments separately.

c: Bob Beaumont
Sia Mohammadi
Tim Haddad

ATTACHMENT 3

NORTH MARIN WATER DISTRICT
999 RUSH CREEK PLACE • POST OFFICE BOX 146 • NOVATO, CALIFORNIA 94948 • (415) 897-4133 • FAX (415) 892-8043

September 11, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Dr., #308
San Rafael, CA 94903

RE: Bel Marin Keys Unit 5 Draft Environmental Impact Report

Dear Mr. Haddad:

C.42

Thank you for the opportunity to review and comment on the subject report. The North Marin Water District comments are as follows:

S.4 PROJECT DESCRIPTION, PUBLIC FACILITIES COMPONENT, Page S.2, Paragraph 1:

"The project's sponsor has proposed to participate in the financing of the Ignacio Treatment Plant expansion through required hookup fees and proposes use of reclaimed water to irrigate the golf course and help maintain the seasonal migratory bird habitat."

PD-1
K-7 NMWD Comment

Recent studies by a consultant selected by the Novato Sanitary District and North Marin Water District to investigate use of reclaimed water from the Novato Sanitary District indicate that the least cost alternative is to modify the Novato Treatment Plant to provide the reclaimed water. The project sponsor must provide capital financing for the reclaimed water treatment and distribution facilities necessary to deliver reclaimed water to the proposed golf course.

TABLE S-1: SUMMARY OF IMPACTS AND MITIGATION MEASURES: PROPOSED PROJECT, Impact No. K.7, Mitigation, Page S.67

"The project sponsor should complete arrangements with the North Marin Water District (NMWD) for the construction of additional Zone A storage and in-tract pipelines prior to receiving precise development plan approval from the County."

K-5 NMWD Comment

The project sponsor must complete arrangements for construction of additional Zone A storage and in-tract pipelines, and also for off-tract pipelines to connect the existing NMWD distribution system with the new Zone A storage and in-tract pipelines to serve the proposed project before a water agreement and service can be offered. Precise development plan approval by the County is required before a water agreement can be approved.

DIRECTORS: GEORGE A. AMAROLI • JACK BAKER • JAMES D. FRITZ • JOHN C. SCHOONOVER • WILLIAM W. WRIGHT
OFFICERS: JOHN CLAY NELSON, General Manager • JOYCE S. REED, Secretary • DAVID L. BENTLEY, Auditor-Controller • CHRIS DeGABRIELE, Chief Engineer

(43)

LA-4

K-5 cont'd This is required by District regulation 1.g. to assure the District's water facilities are extended and built in full compliance with the land use plans of the County.

2. PROJECT DESCRIPTION, A. PROJECT PROPOSAL, PUBLIC FACILITIES COMPONENT, Sanitary Sewer, Paragraph 3, Page 2.1

"BMK5 would use reclaimed treated effluent from the Ignacio Plant to irrigate the golf course and to help create and maintain the seasonal migratory bird habitat."

NMWD Comment

PD-1
K-7 The latest study performed by a consultant selected by the Novato Sanitary District and North Marin Water District investigating use of reclaimed water from the Novato Sanitary District indicates that the least cost alternative is to modify the Novato Plant to produce reclaimed water for golf course irrigation purposes. The scope of work, agreed to by the developer, did not consider providing recycled water to wetlands areas at the proposed project. A draft report has been received addressing recycled water service to the golf course and it appears that same is feasible. This report has not had benefit of review by the Sanitary District, Water District, or developer. Assuming the final report shows recycled water use is cost-effective, it will be the required water supply solution for the golf course and associated large turf irrigation areas.

2. PROJECT DESCRIPTION, A. PROJECT PROPOSAL, COMMERCIAL COMPONENT, Social Center, Paragraph 1, Page 2.17

"The commercial uses of the social center would be located in the two story, 50,000 sq. ft. social center building."

PD-1 NMWD Comment

The Bel Marin Keys Unit 5 Master Plan, dated March 14, 1990, SECTION 1/PAGE 3, WATER SUPPLY, indicated that the social center has 22,000 sq. ft. of floor area. This value was used for previous estimates for water supply and those estimates need to be upgraded accordingly.

2. PROJECT DESCRIPTION, A. PROJECT PROPOSAL, COMMERCIAL COMPONENT, Social Center, Paragraph 2, Page 2.18

"A community park with 6,000 sq. ft. of institutional uses including a school and a fire station."

PD-1 NMWD Comment

The Bel Marin Keys Unit 5 Master Plan, dated March 14, 1990, SECTION 1/PAGE 4, WATER SUPPLY, C. School/Institutional indicates 40,000 sq. ft. of school/institutional space is planned.

5. ENVIRONMENTAL SETTING (AFFECTED ENVIRONMENT), IMPACTS AND MITIGATIONS (ENVIRONMENTAL CONSEQUENCES) OF THE PROJECT, K. PUBLIC SERVICES AND UTILITIES, SETTING (AFFECTED ENVIRONMENT), Water Service, Paragraph 4, Page 5.237

"A new bypass aqueduct (Novato bypass) to be constructed by the MMWD is now under construction and scheduled to be underway by 1995. It will extend facilities to the north end of the NMWD system where it will connect to the North Marin aqueduct, but in the meantime receives its Russian River water via NMWD facilities."

K-5

NMWD Comment

The new bypass aqueduct (Novato bypass) to be constructed by the MMWD is now complete. The Novato bypass aqueduct connects to the North Marin aqueduct near the San Marin control station, located just north of San Marin Drive, and extends south to a connection with existing MMWD pipeline facilities near the Hwy. 37 interchange.

C.43

5. ENVIRONMENTAL SETTING (AFFECTED ENVIRONMENT), IMPACTS AND MITIGATIONS (ENVIRONMENTAL CONSEQUENCES) OF THE PROJECT, K. PUBLIC SERVICES AND UTILITIES, SETTING (AFFECTED ENVIRONMENT), Water Service, Paragraph 10, Page 5.238

"District records show that water use of single family detached homes varies from 387 gallons for the average day of the year to 682 gallons for the average day of the peak use month."

K-5

NMWD Comment

More recent analysis of water use in single family detached homes indicates the demand during the average day of the peak month of the year is 636 gallons.

5. ENVIRONMENTAL SETTING (AFFECTED ENVIRONMENT), IMPACTS AND MITIGATIONS (ENVIRONMENTAL CONSEQUENCES) OF THE PROJECT, K. PUBLIC SERVICES AND UTILITIES, SIGNIFICANCE CRITERIA, IMPACT K.9, Paragraph 3, Page 5.246

"NMWD would require the use of recycled water for irrigation of the proposed golf course. In addition, the NMWD would require an investigation into the feasibility of using recycled water for other large turfs or landscaping areas associated with the proposed development."

K-7

NMWD Comment

Preliminary indications from a water recycling feasibility study performed by a consultant selected by the Novato Sanitary District and North Marin Water District indicates that the least cost alternative is to modify the Novato Sanitary District's Novato Treatment Plant and transport recycled water to storage ponds located on the proposed golf course for pumping by the golf course owner for irrigation system use. The DEIR report contains very little detail in regards to the proposed golf course and serving same with recycled water.

LA-4

K-7 cont'd

Upon completion of the study the additional information will immediately be made available to the County. The developer is paying the cost of this study as it pertains to use of recycled water on the property proposed for development.

Sincerely,

Chris DeGabriele
Chief Engineer

CD:edw

cc: Kerstan Williams, Project Manager
Environmental Science Associates, Inc.
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San Rafael, CA 94903

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City of Novato Community Development Dept.
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Novato, CA 94947

LA-5

Bel Marin Keys

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September 14, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

C.44

Dr. Susan Ryan, Impact Analysis Section
U.S. Army Corps of Engineers
San Francisco District
211 Main Street
San Francisco, Ca. 94105

The Bel Marin Keys Planning Advisory Board appreciates the opportunity to review and comment on the Bel Marin Keys Unit 5 DEIR/EIS dated August, 1992. This response states some of the key concerns, issues, and recommendations for the Proposed Project and the DEIR/EIS. These comments have been assembled by the Planning Advisory Board based upon the oral and written remarks received at two public meetings held on August 17th and 31st, 1992 as well as our own thoughtful study of the document.

An appendix is attached which contains the comments of the subcommittees of the Unit 5 Citizens Review Committee. The Board finds their comments objective, thoughtful and appropriate, and requests that this appendix be duly considered in the final EIR/EIS.

The Bel Marin Keys Planning Advisory Board and every resident of our community are vitally interested in this significant and complex project, one of the largest ever proposed for Marin County. We have made a diligent effort to inform our citizens on its makeup and the purpose of the EIR/EIS in evaluating its environmental consequences. We have elicited a broad and articulate response from the community and believe the statements herein reflect those views. We ask your careful consideration of and response to the recommendations for further action. We look forward to the opportunity for involvement in this process and review of the final document.

4 MONTEGO KEY • NOVATO • CALIFORNIA 94949 • 883 4222

I. OVERALL PROJECT CONSIDERATIONS

A. SCOPE AND SCALE OF THE PROJECT

Many residents of Bel Marin Keys agree that the Proposed Project would generate significant impacts, not only to the natural and man-made features of the area, but also to the people of Marin County and, in particular, to the residents of Bel Marin Keys. It is apparent from the review of the DEIR/EIS that the nature and extent of these impacts are related directly to the scope and scale of the project.

Many residents of Bel Marin Keys agree that the Proposed Project may offer some real benefits, such as a dredge spoil site, new yacht club/community center, child care center, and proposals for ferry service.
Bel Marin Keys is "unique". We do not wish to have our present quality of life significantly altered. The Proposed Project would not only nearly triple the size of the community but it would change its present character (totally residential) through the addition of a shopping center, marina, and a commercial golf course/tennis complex. Given the proximity of the new development at Vintage Oaks and the likelihood of major projects emerging on our borders at Hamilton Field and Renaissance Estates, the cumulative impacts may be tremendous.

ALT-5

The majority of opinions expressed at the two public meetings, held on August 17th and 31st, indicated that the Proposed Project is too large. There are divergent opinions as to the "right" size, as well as major concerns with the layout and composition of the project. Our board will make continuing efforts to resolve these issues in a democratic and open manner. Regardless of the size, any project for Unit 5 presents a serious problem in terms of access to the site. Thus, the first issue to be addressed specifically is transportation.

B. TRANSPORTATION AND CIRCULATION

Bel Marin Keys Blvd. provides the only vehicular access to the existing or the planned community. A key portion of the roadway is a two lane artery. It is subject to flood inundation from Novato Creek overflow, debilitating damage in

C-2

LA-5

C-45

the event of an earthquake, and closure resulting from a number of possible accidents. The adverse impacts to our residents would increase in direct proportion to any additional traffic loading. Unfortunately, no pertinent data is provided in the DEIR/EIS, yet it is estimated that the Proposed Project would increase traffic volume between the existing industrial park and the Unit 5 entry road by five to seven times. The intersection of Bel Marin Keys Blvd. with the Unit 5 entry road requires careful analysis. This is not addressed in the DEIR/EIS. A second access road is mandatory prior to any development project. It is needed initially for use during earthwork and building construction and later for alternative vehicular access, including emergency vehicles. The DEIR/EIS notes this problem in section 5.K Public Service and Utilities, which recommends that "Mitigation Measure K.2: The Project Sponsor should provide verification of the financing arrangements and construction schedule to the Marin County Planning Department for the construction of the BMK5 second access (Hamilton extension to Highway 37) and the secondary access through Hamilton Field. Completion of the second access road as proposed by the Project Sponsor should occur prior to completion of Phase I development. (CONSULTANT PROPOSED)". The Board strongly concurs with this recommendation, but with the additional requirement that the Hamilton Field connector be completed PRIOR to the commencement of any project construction. It further requests that the final EIR/EIS give more visibility to this issue in the Transportation Section 5.C. Neither of these connectors was discussed in sufficient detail. The Board believes that the DEIR/EIS undervalued the importance of a second access through Hamilton Field.

C-2 cont'd

C-2

It is requested that the final EIR/EIS study the traffic on Bel Marin Keys Blvd. from Digital Drive to the Unit 5 entry, its vulnerability to access interruptions, and its intersection with the Unit 5 perimeter road. It is further requested that the final EIR/EIS study the impact of commuter traffic on the proposed Hamilton Drive connector to Highway 37 and analyze the traffic mitigation that it would afford.

C-10

C-2

Unfortunately the potential for a second connecting road from the Unit 5 connector through Hamilton Field or from Hamilton Drive to Highway 37, although reviewed in the DEIR/EIS, is frustrated by divergent interests having jurisdictions outside the project site. Since the County has no jurisdiction in building either of the subject roads, this is one of the principal reasons that the Board requests that the County must require that the Hamilton Field connector

C-2

road be in operation prior to the start of construction for any project that is approved.

C-2 cont'd

The Board further requests that the construction of the connector road through Hamilton Field be included in the mitigation monitoring and reporting program to assure completion prior to construction, and that the connector road through Hamilton be included in the scope of this EIR/EIS.

A Port Sonoma Ferry may be a very positive regional project, yet it is a minimal traffic mitigation for the Unit 5 project. Only one run is proposed in the morning, and one in the evening.

C-1

C. PROJECT ALTERNATIVES

The ultimate goal is to have the Marin County Board of Supervisors and the Army Corps of Engineers, the only decision makers in this process, render a decision that the majority of us can support. In this regard we have concluded that the project as proposed has three major flaws. The first of these is the perimeter road, with its long stretches of lagoons not protected by homes. Although the developer has stated that there will be a landscaped berm and fence for security, there is still too much potential for uncontrolled access. This creates a security risk. Although this issue is discussed in Section 5.J, Public Safety, no mitigations are proposed. The best security of all is to have homes in front of all lagoons.

ALT-1
ALT-4

J-6

The second flaw is the design of the lagoons and the eighteen finger streets. The lagoons would be expanded from 273 acres today to over 735 acres. Yet, with that increase, the new ski area is very limited and would greatly impose upon our existing community. The DEIR/EIS suggests some vague restrictions in the new lagoons to minimize this problem, but the DEIR/EIS notes that these restrictions will impact the existing lagoons. Unit 5 residents should have their water fun in their own backyards. The layout of many long narrow lagoons not only inhibits sailing and water skiing, but may adversely affect water quality through excessive siltation and inadequate flushing as well.

ALT-1
ALT-4

J-1

Lastly, the Proposed Project would require radical and permanent change to the existing environment. Since the area is within the Bayfront Conservation Zone, it should still have significant agriculture. The wetland and habitat areas should not be greatly modified; yet 12,900,000 cubic yards of

A-2

LA-5

earth would be disturbed. The large wildlife habitat proposed has merit, but is created at the expense of hundreds of acres of existing open space in the form of historic diked farm and marshland. This impact cannot be fully mitigated, as noted in the EIR/EIS. There must be a balanced consideration for people, land, wildlife, air purity and water quality.

A-2 cont'd

The mitigated Project Design Alternative is still much larger than the total existing Bel Marin Keys community with 900 dwelling units and over 380 acres of new lagoons. There is *no* schematic, map or diagram included in the DEIR/EIS to determine to what extent the Mitigated Alternative makes sense. One does not know the street layout, whether or not the perimeter road exists, where the homes and ski areas are, or where the golf course is relocated.

ALT-1

All of the alternatives that include development, except the Reduced Size Alternative, have serious environmental and size issue. The Reduced Size Alternative, however, with only 160 homes and a small 64 acre lagoon, might be too spartan for the developer to make a reasonable profit and for the community to acquire the desired amenities.

ALT-1
ALT-4
N-6

Can the CSD form of government continue to support the community, either fiscally or operationally, with the addition of the proposed development? It is recommended that the final EIR/EIS address this very important issue in far more detail. It is further recommended that BMKCSD General Manager Anne Crowder be utilized as an expert resource identifying the costs associated with operating Bel Marin Keys.

N-2

II. COMMENTS ON THE DEIR/EIS

The DEIR/EIS was a large and complex study. Overall, the authors completed a difficult undertaking in a complex environmental setting. The following comments are thus made in the spirit of making the final EIR/EIS an even better document.

A. PAGE S.25 (LAST PARAGRAPH REGARDING THE CORPS)

"For the Corps, the decision whether to issue a permit for the Proposed Project will be based on the evaluation the Project's probable environmental impacts, including cumulative impacts, the comparative impacts of alternatives, and the public interest."

ALT-2

COMMENT:

Clearly the Corps has a major and appropriate stake in the decision. It is not clear how one can determine in this DEIR/EIS the specific issues and concerns that the Corps is seeking. It is unclear which of the alternatives substantially meet, partially meet, or poorly meet the concerns and issues the Corps addresses.

ALT-2
A-4

B. ENVIRONMENTAL ASSESSMENT

A final Environmental Assessment for Bel Marin Keys Unit 5 was completed July 20, 1990. The summary stated: "The entire site is within the historic marshland and in agricultural use (many policies favor protecting such areas). Therefore, the EA authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use."

"Major constraints include diked historic marshland in agricultural use, flood ponding covenant area, biological habitat value, county policies strongly prioritizing continued agricultural use and/or habitat enhancement, urban growth on the fringes of developed areas, water capacity limited to approximately 230 housing units, sewage treatment plant capacity expansion, density restriction, dual access, bay views and visual access to shoreline areas of San Pablo Bay."

A-1

COMMENT:

The Bel Marin Keys Unit 5 property underwent a rigorous evaluation in the preparation of the Environmental Assessment. The draft EA was widely circulated and two public hearings were held on the document. Extensive revisions were made to the EA in response to comments. The Planning Commission reviewed both the draft and the final EA. It was a substantial work! Consequently, the DEIR/EIS should include a summary of the findings of the EA. It should state with which it agrees, with which it disagrees, and to what extent both the proposed project and the Mitigated Project Design explicitly address the concerns and issues identified in the EA.

C. PAGES S.4 AND 2.20, DEVELOPMENT SCHEDULE

Specific and detailed milestones of key activities for each phase of the project should be included. The most

PD-2

LA-5

significant milestones, perhaps twenty per phase, should be delineated in Volume 1. For example, it is unclear when the lagoons would be developed and become usable. It is unclear as to which phases the water ski access would be in. It is also important to discuss the risks to the environment and the existing residents if the project is terminated after a given phase. It is especially important to discuss the time frames in which the environment will be fully rehabilitated and when wildlife would return to the site. As the document rightfully notes, much of the open space will be recreated.

PD-2 cont'd

Residents are mindful that previous builders in BMK started projects and left before completion. Other builders came in to complete the project several years later. It is, therefore, important to discuss the financial risks to current residents if the project is delayed, suspended, or otherwise terminated before successful completion. Legal remedies and alternatives regarding this event must also be addressed.

PD-2
N-5

C.47

D. PAGES S.4 AND S.23, ALTERNATIVES

Page S.4: The statements that "the four on-site alternatives were analyzed at substantially equivalent level of detail as the Proposed Project" and "four other 'variants' to these on-site alternatives were analyzed at a more qualitative level", do not seem warranted.

Page S.22: The following statements in this section are not adequately supported and are questionable: "The Mitigated Project Design Alternative is considered environmentally superior among the on-site variant alternatives examined at a more general level."

ALT-1
ALT-3

COMMENT:

For example, the "pages" of discussion between the Mitigated Project Design and the Reduced Size Alternative are virtually the same, approximately 4-5 each. The style and content are virtually the same. Table 3 D.1 discusses each alternative equally. The separation of the variants into two groups of four might be perceived as a mechanism to avoid a more direct comparison between Mitigated Project design and Reduced Size Alternatives.

The Proposed Project has multiple tables, schematics, and pages of detail, yet, for example, not a single schematic is dedicated to the Mitigated Project D Alternative. For

that alternative the reader has no notion as to how the lagoons would be laid out, or whether the perimeter road (which is quite controversial) is still contemplated. The developer's Proposed Project has 463 acres of lagoons, but with many small streets jutting in and out, the lagoons are very limited in their recreational use. It is not clear whether this is improved in the Mitigated Project design alternative since no schematics exist. Neither is there a schematic that shows where the golf course would be relocated in the Mitigated Project Design alternative.

ALT-1
ALT-3 cont'd

E. PAGE 3.4, ADDITIONAL ALTERNATIVES

Two additional alternatives were considered but rejected from discussion:
- Locating the retail commercial facilities off-site, potentially within the BMK Industrial Park.
- A single lagoon alternative that would avoid filling of wetlands.

ALT-4

COMMENTS:

After public review, both of these alternatives appear to have some merit. It is requested that they be developed and included in the final EIR/EIS. Furthermore, when evaluating alternatives, the proposed golf course might be otherwise substituted by the Proposed Renaissance Estates golf course. Are two 18 hole golf courses practical in such close proximity?

F. PAGES 3.18 AND 3.22, LAGOON USES AND FLUSHING.

On page 3.18: For the Mitigated Project Design Alternative, it is stated that water oriented recreation would be restricted and the private boating marina would be eliminated. The management of the lagoon would restrict powerboat use and the BMK5 lagoon would be restricted to shallow draft boats. These restrictions are intended to minimize or avoid adverse water quality impacts.

ALT-3

Page 3.22: "This (Mitigated) alternative would reduce the opportunities for water oriented recreation such as water skiing, jet ski use because of the smaller lagoon size. To minimize adverse water quality impact for the new lagoons motor powered craft would be restricted. The effect of restriction of motor boat use on the BMK 5 lagoons could increase water oriented recreation use of the existing lagoons."

LA-5

COMMENT:

These so called small lagoons comprise 350 acres, more than double the size of the existing lagoons south of BMK Blvd. The comments in the DEIR/EIS strongly suggest that new residents will not be able to boat or ski in their own backyard, but will add greatly to the congestion, foul water quality, and lack of safety for the existing Unit 4 lagoons. That would be most inconsiderate. The so called restrictions are vague and unacceptable, and it is not clear to what extent they would be effective and enforced. The so called management would be the CSD. It seems unlikely that the CSD would have restrictions in the new, larger lagoons that would penalize the residents of the existing, smaller lagoons. If the lagoons are connected, lack of enforcement and an abundance of confusion would reign. How could, for example, the existing lagoons have less restrictions than the new ones if they are connected? Increased patrol by the County Sheriff's Deputies, perhaps around the clock, would be required. This should be carefully evaluated.

ALT-1
ALT-3

It is most important to study the lagoon water circulation and flushing characteristics in areas susceptible to lack of adequate circulation such as near boat ramps and in inlets. There is concern that flushing may not be effective with the proposed street layouts. The time frame (within the tide changes) to flush and the frequency of flushing must be carefully studied for all the alternatives. The flushing of one large lagoon, connected to the existing lagoons, versus the flushing of separate lagoons must also be analyzed. Experience warns us that Novato Creek may not be able to handle the volume and/or velocity necessary to maintain water quality in the lagoons or the scouring of the creek channel with the additional acreage of water to be flushed.

E-1
ALT-3

G. S 3.16 ALTERNATIVE MIX/TYPE

Page S 3.16: "The multiple lagoon system proposed would restrict boat use to shallow draft, non-powered boats. In addition, the lagoons would not be connected to the existing BMK Units 1 - 4 lagoons. Residences would be located along the perimeter of the lagoons and this prevents public access to water."

ALT-1
ALT-3

COMMENT:

The lagoons would total 393 acres, approximately 2.25 times those in Units 3-4. It is interesting that when the lagoons are separated from Unit 4, as in this alternative, then no power boats are allowed. As noted in the previous alternative, however, when the lagoons are connected to Unit 4, the restrictions suggested will drive the boats to the existing lagoons.

ALT-1
ALT-3
cont'd

H. FISCAL IMPACT RE: ALTERNATIVES, (e.g. PAGES 3.29, 3.34)

The Reduced Size Alternative has an annual loss exceeding $694,000, for only 160 homes. This is primarily because the cost for fire protection is $744,412 annually for the 160 homes. In the other alternatives, ranging up to 1600 units, the annual fire protection cost is also $744,412.

This is not a fiscally complete analysis. What would be the cost for 160 homes? Or 16 homes? Clearly, with the smaller number of homes the need for an additional fire station becomes more unlikely. Moreover, a fire station in the development would also protect the existing homes. Note that the 160 homes in the Reduced Size Alternative would be closer to the existing fire station than the existing homes.

ALT-3

There appears to be a computational error in the analysis of the Alternative Residential Development alternative. The estimated revenue should be $1,997,622 (vs. $697,061), and the fiscal impact is a net revenue gain of $307,440 versus a loss of $1,009,032.

The fiscal analysis does not address the internal operation costs to the CSD in the routine management of the community. These include dredging and flushing of the lagoons, dredging of Novato Creek, landscaping, maintaining water quality and wildlife habitats, and the inspection, monitoring, maintenance and repair of street lights, locks, levees, parks and all public areas. These are significant costs that may not be compensated by increased revenue from the new development. The final EIR/EIS should address these costs.

N-1
N-2

I. TABLE 3.D, COMPARISON OF IMPACTS

Regarding the "land use impact", urban development on the Bayfront Conservation Zone, Class II designation for alternatives 2 through 4 is not valid. It is inconceivable that if a 160 unit development is Class 2, then so are units of 900 or 1,190. Regarding Public Safety Impact, the narrative appropriately discusses lagoon use, and the potential harmful impacts to the existing BMK lagoons. The table, however, does not even list this impact under Public Safety.

ALT-3

ALT-3

LA-5

C.49

J. PAGE S.6, MITIGATED PROJECT DESIGN

Page S.6, third paragraph: "The inclusion of a lagoon, absent a marina, would also serve to provide a water oriented community without incurring all the potential water quality problems associated with the Proposed Project."

COMMENT:

ALT-3 This statement in the summary is correct in that a marina will cause added problems. The more detailed narrative for this alternative in Section 3, however, tends to emphasize power boat restrictions as the primary mechanism for dealing with water quality. There is no marina in BMK today. The authors should quantify the percentage of water quality problems that would be avoided or mitigated by removing the marina and the percentage that would be avoided by boating restrictions. There is no hard evidence or even summary level data presented in the detail sections that would lead the reader to conclude that the suggested solutions would, in fact, be truly effective.

K. GEOLOGY AND SOIL

This issue is addressed in the various alternatives, but in different ways. Sometimes fill and excavation are expressed in millions of cubic yards, and in other instances they are discussed as a percentage less than another alternative.

ALT-3 We recommend that a combined, special table identify for all alternatives, the cubic yards of excavation required, the cubic yards of fill required, the cubic yards of fill that will be internally obtained, the cubic yards of fill that will be imported, the total acres that will be environmentally impacted temporarily, and the total acres that will be impacted on a substantial and permanent basis. It would be most helpful if the authors would state their professional opinion of the desirability of these cumulative effects and rank the alternatives in terms of Geology and Soil impact. As a minimum, they should state adequacy vis-a-vis County guidelines and policy.

L. A SUGGESTED ALTERNATIVE

ALT-4 Clearly this is a complex project and many permutations of various alternatives could be considered. It is suggested that yet another alternative be evaluated in the final EIR/EIS. This alternative would have far fewer dwelling units than the Mitigated Project Design alternative. It could have a modest increase over the Reduced Size Alternative if its impacts were found to be only slightly greater than those of that alternative, and if offset by the community amenities it provided. The lagoons would be separated from those of Unit 3-4, just as those north and south of BMK Blvd. are separated. There would be no commercial shopping or a commercial golf/tennis facility.

It would also include a community center for all of the community, the Men's and Women's Clubs, the Yacht Club and include a teenage center. This alternative would include free community recreational facilities. It would include tennis courts, basketball hoops, a place to skate board, a softball field, a touch football field, swing sets, sand boxes and more.

M. PAGE 5.150, IMPACT E.1.

"Potentially significant flooding of the Project site during the one hundred year storm from routing flood flows through the lagoons could occur." (Class II)

E-2 COMMENT:

Under NO circumstances should flood flows be routed through the lagoons. This would cause significant risk to existing homes.

N. 5.K, PUBLIC SERVICES AND UTILITIES

There is no discussion under "Water Service" regarding water consumption as a depletion of a valuable natural resource. The Proposed Project would use 925 acre feet per year. If the golf course irrigation uses recycled water, the K-6 consumption is reduced to 420 acre feet per year. This is still a great consumption of water in a drought prone location. The DEIR/EIS should note the relationship of water consumption to project size and composition, evaluate the impacts accordingly.

O. PAGE 4.35, ANNEXATION

A-3 The DEIR/EIS recommends annexation of Unit 5 (and perhaps all of Bel Marin Keys; it is unclear on this point) by the City of Novato, "..considering the density of development proposed and amount of public services provided."

LA-5

COMMENT:
This position is most objectionable to many residents of
A-3 Bel Marin Keys. The final EIR/EIS should provide a clarification and justification, or else fully remove such comments.

Again, our thanks for providing this opportunity for our comments.

Charlotte A. Maurer, Chairperson
Bel Marin Keys Planning Advisory Board

C.50

BEL MARIN KEYS
PLANNING ADVISORY BOARD

APPENDIX

SEPTEMBER 14, 1992

RESPONSE: BMK UNIT 5 DEIR/EIS, Page 13

5/17/82

LA-5

MEETING SUNDAY 8-16-82
Facilities & Access Sub- Committee
Purpose: Review Draft EIR/EIS Report for Unit 5.

Members in attendance:

Dan Thrall (Chairman)
Larry Johnson
Mike Lewis
Gene Majors
Deborah Sowuta;

Draft items related to this Committees area of concern:

1. The Draft does not place enough importance on the safety problems associated with the present design of the peripheral road. Reference is made to coverage of the problem in Section 5 of the draft. However we were unable to locate any reference to the problem and the mitigation of the problem.

2. We discussed the restricted sight lines as a result of the rise of the peninsulas. Redesign of the peripheral road with hours taken from these peninsulas would open up the water way and provide the necessary hours on the road to mitigate the safety problem.

"EYE BROW" ROADS

EIR

Draft items of a general nature:

1. The categories of mitigation chart supposedly lists the categories I, II & III for the 9 alternatives. However for the "No Project" Alternative there is no ratings and therefore it does not deal with the problems that now exist with the hay fields that need correction if the County fails to approve the Project. They are such things as:

   A. Hay and weeds that contribute to the misery of those in the community that suffer from Hay Fever or other allergies. This is most severe at hay harvest time which has just occurred in the last few weeks.

   B. Dust and dirt blowing in from these fields that constantly finds its way into our homes.

   C. Rats and mice that also infest our property.

   D. The fields where they run cows, the cow droppings [illegible] that we must contend with.

C.51

LA-5

There are no doubt many other drawbacks to maintaining the status Quo but there was insufficient time to develop this Category.

2. Economic impact.

With the current budget problems in Sacramento and the potential revenue cuts to the Counties by the state it is imperative that the Counties pay close attention to increasing the tax base. This was alluded to in the mitigation categories chart when it noted in passing that a revenue gain would be realized if the project was approved as proposed by Venture.

The short fall in revenues can only be covered by a tax increase, cutting costs or increasing the tax base. Its doubtful there will be any cost cutting and the CSD has already asked us to vote on a 1 to 300 tax increase.

We also dicussed the importance of the second road into MBK that must be in place before construction starts. This should be emphasized more in the report because of the tremendous impact on the community during the nine year construction period.

LA-5

CSD

The report of the Development, Planning & Area Development Committee (DPAM)
Mary Ann Perrin)

Dr. Bev Ann Ross said she would try to turn in her written comments to the CSD office.

Barbara Ryan has been gone but her testimony at the Planning Commission on August 10 is public record. It states she is opposed to any development on the Unit 5 site as recommended in the Environmental Assessment.

Gene Yaeger gave me the attached comments on the periferry road.

My comments are as follows:

1. The Summary in the Final Environmental Assessment (EA), dated July 20, 1990, stated "The entire site is within the historic marshland and in agricultural use (many policies strongly favor protecting such areas). Therefore, the EA authors have DESIGNATED the ENTIRE AREA as basically UNSUITABLE FOR DEVELOPMENT and should remain in bayfront preservation and in agricultural use." This EA was APPROVED by the PLANNING COMMISSION and the BOARD OF SUPERVISORS. County policy states the EA is to be the basis for an EIR. Why does the DEIR/S not come to the same conclusion?

2. Legal considerations can influence the county's decision to restrict site development. The DEVELOPER PURCHASED the property at least 2 YEARS AFTER it was REZONED to Bayfront Conservation, which is the major deterrent to its development. Therefore, the recent Supreme Court decision involving development rights does not apply to this site. The Draft EIR/EIS (DEIR/S) should include this fact. (In addition the EIR states that "in the opinion of Marin County" down-zoning the property for open space and agriculture "would not constitute a 'taking' of the property". Consequently, there are NO KNOWN LEGAL CONSIDERATIONS to influence STOPPING the development of the site.)

3. The preferred flood conrol (FC) plan in the DEIR/S was proposed after the EA was published. It uses county FC land north of Novato Creek. COUNTY FC Policy B-7.5 PROHIBITS USE of COUNTY LAND to permit development of private property. The DEIR/S dismisses this by stating it will need to be addressed if this option is selected. Why does the DEIR/S address this plan which is not in the public record? How can the DEIR/S rely on a FC method that is in conflict with county policy?

4. Each of the development alternatives in the DEIR/S should address the flood control method for that alternative. The Reduced Size Alternative would not require the Ultimate Channel if it were designed properly. This needs to addressed.

5. The PROJECT adds 1190 homes but ESSENTIALLY NO USABLE WATER for watersports (see Fig.2.A B). The preferred alternative in the DEIR/S (Mitigated, 900 homes)) states "motor powered water craft will be restricted" in the new lagoon which "could increase water oriented use of the existing lagoons." This same caveat, as well as the power boat restriction, should be added to the Project Alternative since the housing area can not be used for water sports. The safety aspects of overloading the existing lagoons must be addressed.

6. The Draft EIR/EIS (DEIR/S) proposes to use the Hamilton Drive extention to Hwy. 37 for traffic mitigation. This route is not approved by CALTRANS according to Novato City Engineer, Tom Noland. The only approved route is the proposed McInnes Parkway, but for Unit 5 the "Parkway" would end with a connection to BMK Blvd. just East of the sewage treatment plant. A traffic study of this approved alternative must be included in the DEIR. A speculative route is not acceptable for an EIR/EIS. The portion of McInnes Parkway under consideration would be constructed over the county flood control lands which are zoned Bayfront Conservation Zone by Novato. An EIR for the "Parkway" is also required.

7. BMK Blvd. through the existing community could be used to alleviate, and shorten the distance for, Unit 5 commute traffic by closing the bridges over the locks during commute hours, if the residents of Unit 5 voted for it. What would be the impact on the existing community?

8. At the NOP hearing it was requested that a traffic study be intersection of the peripheral road and BMK Blvd. This is not included in the EIR.

9. The Reduced Size Alternative (RSA)(160 homes) was rejected as the preferred Mitigated Alternative (MA) because it was not "examined at a substantially similar level of detail" as the Project and the accepted MA. It appears from the space allocated in the text that there was no differece in the analysis. Specifically how did the analysis differ, and why was the RSA not examined in more detail since IT IS A SUPERIOR CASE. The fire station cost should be excluded from the RSA; the 160 new homes would be closer to the existing fire station than many homes in the existing community, a new fire station is not justified in the RSA so there is NO NET FISCAL LOSS FOR THE 160 HOME RSA.

There are many more concerns but there was insufficient time to include them now.

Robert A. Farnham

August 17, 1992

C.53

LA-5

August 16, 1992

TO: Cindi Landy, Traffic Sub-committee Chair

From: Spike Flertzheim, Traffic Sub-committee Member

Having cursorily reviewed the Unit V EIR/EIS in the short time allotted us, I offer these comments for inclusion in your report to the BMKCSD Planning Advisory Board tommorrow night, Aug. 17.

The Transportation and traffic analyses contained in the Unit V EIR/EIS are inadequate for the following reasons:

1. The traffic analyses of intersections affected by the project are inconsistent and/or erroneous. For example, Figure 5C-9 (p. 5.79) shows the AM Peak figures for inbound traffic on BMK Blvd at intersections #1,#2, and #3 as 537, 1445 and 1666 vehicles (trips) per hour. This is supposed to represent the volume of the existing street network plus approved conditions and projects under construction. Figure 5C-12 (p. 5.92), purports to show the effect of Unit V buildout on the conditions shown in Figure 5C-9. The inbound AM peak trips for the same three intersections are 810, 1719, and 2140 respectively. This mean that the buildout of Unit V contributes and additional 274 inbound trips during the peak hour. (actually intersection #1 shows only 273, but this is likely an addition error).

However, Table 5C-10 shows additional inbound AM Peak trips for buildout of Unit V as 97 which is vastly different than 274. Further, the technical analyses of the interesections contained in Appendix C do not agree with either of the above figures. For example, the AM Peak analysis for Commercial Blvd/ BMK Blvd (no page number) shows 2098 inbound trips for intersection 3 and 1666 trips inbound for in 2, as measure by traffic inbound <u>through</u> the intersection. Thus we have three different sets of numbers on which to analyze one interesection, and it is not possible to determine which set was used in making up Tables such as Table 5C-7 or the impact statements which spell out how much a specific Level of Service has deteriorated at a particular intersection due to the effect of Unit V traffic. The numbers upon which Table 5C-15 is based cannot be ascertained, yet it is crucial in determining project impacts.

2. The trip generation factors used in the traffic analyses are "cookbook" factors apparently applied without any consideration for prevailing local conditions. For example, the rates in Table 5C-9 (p. 5.84) are used as shown, yet the text acknowledges that "quality" restaurants don't serve breakfasts (p. 5.86) and that Golf/Tennis Courts have different Peak Hours. Similarly, the retail store would have later peak hours, plus the estimate of 429 round trips to our local grocery store in BMK, DURING RUSH HOUR, while we have Safeway located in Pacheco Plaza, is totally unrealistic. It is the cumulative "padding"

LA-5

of counter-commute traffic from BMK during both the AM and PM peak hours that contributes to the decline in level of service shown at the signalized intersections. In my opinion the analysis is flawed, and likely in a manner which makes the Unit V development look worse than it really is. However, I cannot ascertain whether or not it is favorable or unfavorable due to the conflict in the data.

3. Despite my previous request, acknowledged on page Appendix A9 that the intersection of BMK Blvd and the Collector road be analyzed, and despite the comment that it is addressed in Section 5C, it in fact is not addressed at all. This is something that needs to be examined.

4. Also, despite my request, there is no discussion in any depth of the connector road to Hamilton which would provide a second access road to BMK. The discussion is in generalities relating to the McGinnis Parkway. We need a second access road to BMK for construction of Unit V, and it should be one of the first things put in place. Otherwise, construction vehicles will tear up the existing BMK Blvd, just like the Unit 4 trucks did, only much worse. In my opinion, we also need a second access to solve our traffic problems of access and egress for BMK

In short, the transportation analysis needs a major rw-work, in my opinon, before we can use it for a decision document. Apparently the county did not supervise the preparation of this portion closely enough.

C.54

LA-5

Cindy, here are my traffic comments

1. The Draft EIR/EIS (DEIR/S) proposes to use the Hamilton Drive extention to Hwy. 37 for traffic mitigation. This route is not approved by CALTRANS according to Novato City Engineer, Tom Noland. The only approved route is the proposed McInnes Parkway, but for Unit 5 the "Parkway" would end with a connection to BMK Blvd. just East of the Treatment Plan. A traffic study of this approved alternative must be included in the DEIR. A speculative route is not acceptable for an EIR/EIS..

2 BMK Blvd. through the existing community could be used to alleviate and shorten the distance for Unit 5 commute traffic by closing the bridges over the locks during those hours, if the residents of Unit 5 voted for it. What would be the impact on the existing community?

Bob

Robert A. Farnham

8/17/92

August 17, 199? LA-5

To: Charlotte Maurer, Chair, Bel Cobb Planning Advisory Board

FROM: Spike Fleetwood, Chair, Unit 5 Flood Control and Waterways Sub-committee

SUBJECT: Comments on DEIR/EIS for Bel Marin Keys Unit 5

Based upon preliminary review of the Draft EIR/EIS for Unit 5, the committee offers the following comments. Input from individual committee members is attached.

1. The DEIR/EIS is significantly deficient in its analyses of alternatives to the proposed project because no graphics for alternative developments are contained within the document. Without a visual concept for the development of the two "no-fill" alternatives, Alternative Residential Development and Alternative Mix/Type of Uses, no assessment of the flood control impacts of these projects can be made. Similarly, without a schematic of the Mitigated Project for Revised or Reconfigured Development Design, neither flood control nor the impacts of smaller lagoons on water skiing safety can be attempted.

In addition, the other impacts of these alternatives, for example traffic circulation, also cannot be evaluated properly. The lack of schematics for the alternatives is a matter which demands your Board's urgent attention.

2. Water Skiing

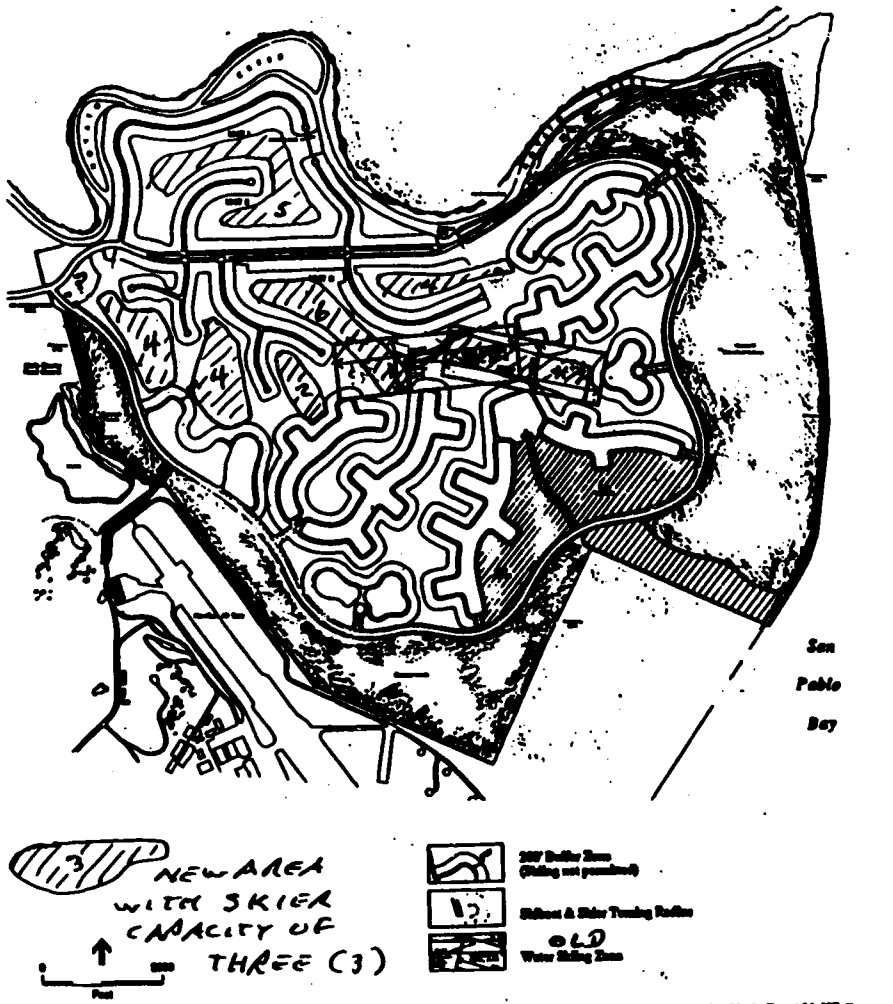
Of the 463 acres of new lagoons proposed for the project, only a small percent of the water surface is suitable for water skiing. This is in sharp contrast to the existing community where a large percent of the waters is suitable for skiing. The two proposed ski areas shown in Figure 2.A-8 are in reality only one large area. It would accommodate 6 skiers safely. Even if ski areas were reconfigured by adding to existing areas as well as creating new areas in the most efficient configurations, only about 14 additional skiers could be accommodated with the addition of the new lagoons. This means that the skier capacity that currently exists, about one skier/47 homes, would drop to about one skier per 65 homes. In view of the liklihood that the average age of Unit 5 purchasers will be lower than that of the existing community, the demand will be for more skiig, not less. This is a significant impact, and development reconfiguration should be considered to provide more usalble water space.

Although they cannot be analyzed in detail due to lack of schematics, the Alternative Residential Development with no lagoons and the Alternative Mix/Type of Uses with landlocked lagoons would certainly both increase the water skiing pressures on the current lagoons in a very adverse manner. The reduced lagoon size of the "Mitigated Project" would also adversely impact water skiig, but the degree of impact cannot be ascertained without a development schematic. Further, the proposal to "restrict" power boating under this alternative would further degrade both water skiing and water activities in general, and

C.55

RECONFIGURED WATER SKI AREAS

LA-5



SOURCE: Bel Marin Keys Development Associates

Figure 2. A-8
Water Recreation Plan

would certainly increase traffic on existing lagoons - with unknown safety impacts.

A schematic of a possible skiing area reconfiguration is attached showing the numbers estimated for each area. These represent maximum estimates, and the configuration of the docks at the social center and/or commercial center might reduce these capacities.

3. Flood control requirements are proposed to be met either by routing flood waters through the lagoons or by enlarging Novato Creek with a secondary channel. Routing flood waters through our lagoons is not desirable since it will increase both pollution and silting within our lagoons. Further, it depends on automated equipment with manned backup to perform at critical times. Thus it is much less assurred that flood flows will be safely managed than under the enlarged channel proposal. From an engineering standpoint, the enlarged channel, perhaps augmented by flood routing through non-residential areas such as Pacheco Pond, is much preferrable to the lagoon flood routing.

However, there is disagreement within the sub-committee as to whether the enlarged channel is appropriate. One member cites Flood Control District Policy B-7.5 as prohibiting use of county land to permit development of private property. He believes this precludes the use of an enlarged channel since the flood control district own land necessary for the channel enlargement. On the other hand, other committee members believe that since the overall responsibility for controlling flood waters rests with the Flood Control District, and since they have not yet fulfilled that obligation, then Flood Control District participation in such a project is in the public interest since it would reduce overall taxpayer costs.

4. The 200 berth (or 100 berth) marina mentioned in the DEIR/EIS should be eliminated b ased on previous promises by Venture Corp. to the BMK community. A commercial marina located within a residential community is not a compatible use. Any marina within the lagoons should be sized only to accommodate those residents who do not have private docks. Guest dockage is appropriate at the community social and commercial centers if of limited scope.

5. Positive impacts. There are two positive impacts of the proposed project, as regards waterways and flood control, that are not covered in the DEIR/EIS. First, the project would provide a permanent dredge disposal site which this community desperately needs. Second, the project would provide a broader tax base with which to fund futre dredging of Novato Creek which is necessary for the continued viability of the community.

Input for individual committee members is attached.

Respectfully

Spike

H.A. Flertzheim, Jr.

C-56

LA-5

August 16, 1992

TO: Spike Flertzheim, Waterways Committee Chairman

From: Linda Buetzow, Waterways Committee member

Enclosed are the comments you requested, specifically on the recreational water way areas of the proposed Unit 5 project. Most of the concerns I have heard from residents of the community are the limited lagoon areas suitable for water skiing and personal water craft use.

Below are comments on the Bel Marin Keys Unit 5 EIR/EIS Draft dated August 1992, specifically related to recreational waterways:

PROPOSED PROJECT

1. Of the 463 acres of new lagoon waterways, only about 10% (43 acres) are suitable for water ski recreation. This is in sharp contrast to Units 1 - 4 waterways, which for the most part are suitable for water ski recreation. (refer to EIR/EIS, vol. 1 page 2.15, Fig 2. A-8).

2. According to figure 2. A-8, two skiing zones are envisioned which are shown as having a significant overlapping region. In practice, these two ski zones can only be considered as one with a total length as approximately 4000' and a width of 450' to 500'. Note that the figure shows the width of the ski area to be 850' to 900', however this must be reduced by 200' 5-mph areas on each shoreline.

3. Based on BMK Boating Regulations and actual experience, the existing lagoons will support approximately 15 water skiers as follows:

   Laguna Bel Marin - 5
   Sunrise Lagoon - 3
   Sunset Lagoon - 4
   Lagoons south of Del Oro Lagoon - 3

   This 15 skier capacity currently supports the recreational needs of approximately 700 homes from Units 1-4. Thus, BMK currently has the capacity to handle 1 skier per 47 homes. This capacity is fully utilized in summer months.

   We estimate the proposed ski area of Unit 5 will support a maximum of 6 water skiers. Unit 5 will add 1190 homes and therefore provide a much lower skier capacity of 1 skier per 198 homes. Thus, skiers from Unit 5 could be expected to significantly add to the current demand of water ski areas in Units 1-4.

LA-5

EIR/EIS ALTERNATIVES TO PROJECT PROPOSAL

A. ALTERNATIVE RESIDENTIAL DEVELOPMENT

No lagoon area is included in this alternative. All additional boating due to Unit 5 residents would take place on Unit 1-4 lagoons.

B. ALTERNATIVE MIX/TYPE OF USES

350 acres of "multiple lagoons" would be provided, which would be hydrologically separate from existing BMK lagoons. As stated on page 3.14, the "Absence of an additional lock to Novato Creek would limit the use of the lagoons by power boats". This lack of access to Novato Creek by lock is inconsistent with the current BMK community waterways.

It should also be noted that only 0.29 acres of waterway would be provided per house compared to 0.39 acres per home in the existing community.

It's unclear whether any water ski areas would be provided. If water ski areas are not provided, we would anticipate increased use of existing water ski areas in Units 1-4.

C. MITIGATED PROJECT

350 acres of lagoons would be provided under this project and power boat use would be "restricted." If "restricted" means banned, then Units 1-4 would be impacted by additional boating demands from Unit 5 residents.

Also in this case, boating "would be restricted to shallow draft boats" which is inconsistent with the current BMK community.

C.57

Spike, here are my water comments

1. The preferred flood control (FC) plan in the DEIR/S was proposed after the EA was published. It uses county FC land north of Novato Creek. COUNTY FC Policy D 7.5 PROHIBITS USE of COUNTY LAND to permit development of private property. The DEIR/S dismisses this by stating it will need to be addressed if this option is selected. Why does the DEIR/S address this plan which is not in the public record? How can the DEIR/S rely on a FC method that is in conflict with county policy?

2. The PROJECT adds 1190 homes but ESSENTIALLY NO USABLE WATER for watersports (see Fig.2.A-8). The preferred alternative in the DEIR/S (Mitigated, 900 homes)) states "motor powered watercraft will be restricted" in the new lagoon which "could increase water oriented use of the existing lagoons." This same caveat should be added to the Project, as well as the power boat restriction, the housing area can not be used for water sports. The safety aspects of overloading the existing lagoons must be addressed.

3. Each of the development alternatives in the DEIR/S should address the flood control method for that alternative. The Reduced Size Alternative would not require the Ultimate Channel if it were designed properly. This needs to addressed.

4. Any flood control method not onsite must include an EIR/EIS evaluation of that site.

Bob

Robert A. Farnham

August 17,1992

LA-5

TO: BMK UNIT 5 CITIZENS REVIEW COMMITTEE

FROM: ROBERT MATSON

COMMENTS ON THE BMK UNIT 5 ERI/EIS

1. All of the traffic diagrams in Section 5C, Transportation and Circulation, show Unit 5 access to be via Bel Marin Keys Blvd. to a junction with Unit 5 Project Road at the Headquarters Hill locale at the South edge of existing Bel Marin Keys. No secondary access to Unit 5, either during construction or after construction is being considered. This will have an unacceptable impact on existing BMK residents and, if approved, the Unit 5 project should not be allowed to start until a satisfactory second access is installed.

2. The Project Road located as shown on traffic diagrams and master plan, does not address the problem of controlling public access to lagoon waters. This will place an unacceptable burden of liability on the Bel Marin Keys CSD with respect to water safety and control of pollution and contamination of the lagoons navigable waterways.

3. The present master plan presents a water skiing area that minimally exceeds that of our existing lagoons. The present area will support only five ski boats operating at one time. Even if only 600 units were to be permitted, it would increase the number of residents using water skiing area by 170%, A very large deterioration in resulting skiing area per residence.

4. To date I have not seen a study of the effect that increasing the lagoon volume with Unit 5 will have on the ability to flush that lagoon within the time span of the tide changes. I do not think that Novato Creek can handle the volume or velocity necessary to maintain water quality in the lagoons or scouring of Novato Creek.

Robert B. Matson

C.58

Gene Yggers Comments.

LA-5

UNIT V FACILITIES & ACCESS COMMITTEE

Meeting of November 18, 1990 7:00 P.M.

Thrall Residence,

Members Present	Members Absent
Dan Thrall (Chairman)	Louise Elliott
Larry Johnson	Ken Harlan
Deborah Sonntag	Mike Lewis
	Gene Majors

After a general discussion of items suggested for review by George Jacoby at the General meeting on Nov. 5, 1990 it was decided to focus our attention on major items of concern that could cause this committee to recommend opposition to the project.

The most serious of these is the long access road around the main Lagoon with no acceptable barrier or control over public access to the Lagoon. It is the opinion of this group that it would be a major attraction to undesirables from outside Bel Marin Keys that would have a negative impact on the community.

However, it was the opinion of the members present at this meeting that the problem could be solved by adding a parallel road to the main entrance road with access roads spaced at intervals to form attractive islands between the main road and the parallel road. This would allow the relocation of some homes from the peninsulas thereby establishing a barrier of homes along the Lagoon. It would solve the restriction imposed by the County that no cars may back out on a main thoroughfare.

The second concern involved the Landscape Plan. We fail to see the need for a controlled landscape area between the homes and the lagoon. They do not exist in the other Units and so far, with minor exceptions, the area looks pretty good. We feel the home owners should have control of their property all the way to the water line. This item should be reviewed more with Jacoby.

The third item was whether or not the launch ramp and the parking at the Social Center was going to be for Bel Marin Key people only. If outsiders come in and launch boats and tie up the facilities it would greatly restrict use by residents. It is recommended that trailer parking at this location be restricted to home owners only as well as the launch ramps.

Copy to: Dave Sowers - Chairman Unit V Committee
Bob Matson- C.S.D. Liaison

Streets should not curve. Curved streets create [illegible]

LA-5

Bel Marin Keys

PLANNING ADVISORY BOARD

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Anne Crowder

C.59

September 14, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan, Impact Analysis Section
U.S. Army Corps of Engineers
San Francisco District
211 Main Street
San Francisco, Ca. 94105

SUBJECT: SUMMARY TO THE RESPONSE TO THE BEL MARIN KEYS UNIT 5 DEIR/EIS

Considerable review of the DEIR/EIS by the Bel Marin Keys Planning Advisory Board, including two public meetings, was conducted. Both written and oral comments were taken. From these comments and the review by the Bel Marin Keys Planning Advisory Board, the attached documents were prepared. These will be presented at the public hearings held by the Marin County Planning Department and the U.S. Army Corps of Engineers on September 14, 1992.

* **TRAFFIC AND TRANSPORTATION**

C-10 - Study the traffic on Bel Marin Keys Blvd. from Digital Drive to the Unit 5 entrance, including its vulnerability to and the consequences of access interruptions, and study the traffic at the intersection of BMK Blvd. with the Unit 5 perimeter road. Propose controls and mitigations.

C-2 - The Hamilton Field connector road must be included in the scope of this EIR/EIS and completed prior to the beginning of construction of Unit 5.

C-2 - Study the impact of commuter traffic on the proposed Hamilton Drive connector to Highway 37, and analyze the traffic mitigation it would afford.

* **PUBLIC ACCESS**

J-6 Although the DEIR/EIS recognizes the security hazard to the existing community caused by increased access to the lagoons via the perimeter road, it offers no mitigation for this impact. We propose that mitigation should be the elimination of undeveloped sections of shoreline along the perimeter road.

* **COMMUNITY MANAGEMENT**

N-2 Evaluate the impact of the Proposed Project on the management and operation of Bel Marin Keys as a Community Services District.

* **ENVIRONMENTAL ASSESSMENT**

A-1 Include a summary of the findings and conclusions of the Environmental Assessment, July 1990, and an evaluation of how those findings relate to the findings of this EIR/EIS.

* **DEVELOPMENT SCHEDULE**

PD-2 Provide specific and detailed milestones of the key activities for each phase of the project in the Development Schedule.

* **FINANCIAL RISKS**

N-5 Evaluate the impacts of delay, suspension or premature termination of the project. Address financial risks to current residents, including legal remedies and alternatives.

4 MONTEGO KEY • NOVATO • CALIFORNIA 94949 • 883-4222

LA-5

C.60

- **PROJECT ALTERNATIVES**

ALT-4 - It is recommended that another alternative be evaluated in detail in the final EIR/EIS. The suggested alternative would have far fewer dwelling units than the Mitigated Project Design alternative. It could have a modest increase over the Reduced Size Alternative if its impacts were found to be only slightly greater than those of that alternative, and if offset by the community amenities it provided.

ALT-1 - Provide schematic or conceptual layouts for all alternative development scenarios evaluated. Develop all alternative scenarios to an equal level of detail.

ALT-4 - Include for evaluation, the alternative configuration which locates the retail commercial off-site and the single BMK 5 lagoon alternative mentioned on page 3.4 as "rejected".

ALT-3 - Any alternative precluding the use of power boats in its lagoons is unacceptable, as described in the Mitigated Project Design Alternative.

ALT-3 - In the "Fiscal" sections of the Alternatives Analyses the cost of fire protection for the lower density alternatives appears to be incorrect, as does the estimated revenue and fiscal impact for the "Alternative Residential Development".

ALT-3 - Include a table comparing quantities of excavation required for each development alternative and an evaluation of the relative impacts vis-a-vis County guidelines and policies.

- **ANNEXATION**

ALT-3 The statement on page 4.35 on possible annexation to the City of Novato is most objectionable to many residents of Bel Marin Keys. It is unclear if the proposed annexation includes the existing community.

- **HYDROLOGY**

E-2 - The discussion of Impact E.1, page 5.158, greatly concerns this Board. We object to the routing of flood flows through the lagoons. This would cause significant risk to the existing community.

E-1 - The data presented in the DEIR/DEIS regarding flushing the lagoons is inadequate in addressing the feasibility of accomplishing the desired results within the time span of tide changes. Nor does it a address the ability of Novato Creek to handle the volume and/or velocity necessary to maintain water quality in the lagoons and scouring of the creek channel.

- **WATER CONSUMPTION**

K-6 The EIR/EIS should include a discussion and evaluation of water consumption as a depletion of a valuable natural resource.

The Bel Marin Keys Planning Board and the citizens of Bel Marin Keys are vitally concerned with the Unit 5 project and have given a good deal of time and thoughtful study to the DEIR/EIS. We believe our concerns and recommendations for more in depth study of certain areas of this report are essential to any final decisions that will be made on this project.

CITY OF NOVATO

Ernest J. Gray
Mayor
Harry J. Moore
Mayor Pro Tem
Dennis Fishwick
Councilmember
Bernard H. Meyers
Councilmember
Cynthia L. Murray
Councilmember

Frederick J. Wood
City Manager

LA-6

November 2, 1992

Marin County Planning Commission
c/o Tim Haddad, Environmental Coordinator
Marin County Planning Department
Civic Center
San Rafael, CA 94903

Subject: **Draft Environmental Impact Report for Bel Marin Keys Unit V**

Dear Planning Commission Members:

C-61

The City of Novato Community Development staff has several comments on the adequacy of this Draft EIR. Our Planning Commission and City Council have not addressed the DEIR, although they are extremely interested in the project and its effects on Novato. After you have completed your environmental review, we intend to develop official City comments on the project through public discussion by the Novato Planning Commission and City Council.

City staff has previously identified our primary areas of environmental concern as:

1. Traffic
2. Geologic Safety
3. Land Use Compatibility and Plan Conformity
4. Agricultural and Wildlife Impacts
5. Public Service Impacts

Our specific comments on the content of the Draft EIR are listed as an attachment to this letter. We have tried to not duplicate comments from others. In general, the document is very thorough. It is approximately three times longer than called for in State CEQA guidelines, presenting a serious problem to reviewers. In your direction to the consultant, please emphasize improvement, not expansion, of the report.

Sincerely,

Mark Westfall
City Planner

MW/jc
J/1208
Attachment
cc: Listed on Following Page

900 SHERMAN AVENUE • NOVATO, CALIFORNIA 94945

ATTACHMENT pp.

LA-6

ATTACHMENT

CITY OF NOVATO
COMMUNITY DEVELOPMENT DEPARTMENT
COMMENTS ON BEL MARIN KEYS UNIT V
DRAFT ENVIRONMENTAL IMPACT REPORT

TRAFFIC

C-9 | 1. As in much of the EIR, the important conclusions are buried in a mind-boggling recitation of alternatives, analysis of minor issues, and technical background.

The key finding must be made clear and highlighted. Without very significant and expensive roadway improvements, this project will cause unmanageable traffic and safety problems. There is no definite plan or program for providing those improvements (or even agreement among key players as to exactly which improvements are appropriate).

C-5 | 2. The DEIR authors did not use the best and latest methodology (Transportation Research Board Special Report 209-1985) in analyzing the capacity of signalized intersections. The analysis should be upgraded.

COR | 3. The following projects have received initial land use approval and should be moved from Table 5.C-13 to Table 5.C-5: 4, 5, 7, 8, 9, 11, 12, 14 and 17.

GEOLOGIC SAFETY

D-1 D-2 | 1. The report states that typical mitigation measures, as described in D.2, D.3 and D.5 will reduce the impacts of static settlement and seismic events to insignificance. This should be acknowledged as an uncertain conclusion. The scale and complexity of the engineering solutions, together with the fact that Building Codes are always evolving a step behind the evidence of events, leads to less certainty than implied in the report.

D-1 | 2. The importation of fill described on page 5.141 is a secondary impact - I could find no mitigation.

PUBLIC SAFETY

J-3 | On page 5.226, the Hamilton Reuse Committee is mentioned. It should be clarified that this is a self-appointed committee whose goals are clearly in conflict with adopted public policy. Is footnote 2, referencing the Reuse Committee information to the Sheriff's Department, correct?

J/1220
11/2/92

LA-7

Bel Marin Keys

COMMUNITY SERVICES DISTRICT

PRESIDENT
James Throckmorton

VICE-PRESIDENT
Robert Matson

DIRECTORS
Betty Flertzheim
C. Martin Gibson
Charlotte A. Maurer

MANAGER/SECRETARY
Anne Crowder

C.62

September 17, 1992

TO:

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan, Impact Analysis Section
U.S. Army Corps of Engineers
San Francisco District
211 Main Street
San Francisco, Ca. 94105

FROM:

Anne Crowder, General Manager
Bel Marin Keys Community Services District
4 Montego Key
Novato, CA 94949

SUBJECT: BEL MARIN KEYS UNIT 5 DEIR/EIS, August, 1992.

Thank you for the opportunity to comment on the Unit 5 DEIR/EIS.

My response to this document is from my perspective as General Manager of the District for over three years and, also, from my experience of some four years as a planning commissioner in the State of Florida where I reviewed many such documents.

The document was difficult to read and analyze not only because of its length and complexity, but because it is poorly organized in my opinion.

N-2 As Manager of Bel Marin Keys C.S.D., I was particularly interested in studying the fiscal impacts with regard to the responsibilities of the District. My concern in this regard is heightened by the present uncertainty of the funding of special districts due to the recent state budget crisis. For instance, I have just been informed that the District will lose 10% of its tax revenues this year with the very real possibility of more cuts next year. I must deal daily with the real world of providing services to the

N-2 District with dwindling revenues, and was anxious to read fiscal projections regarding the proposed Unit 5, yet only twelve pages of this very lengthy document were devoted to fiscal impacts. Also, the information in those twelve pages was woefully inadequate.

Not only was the information inadequate, the conclusions as to the classification of certain impacts was incorrect in my experience. The following examples support these critiques.

Habitat Component, pg.2.18-2.20. This section refers to a "..managed perennial mudflat of 377 acres in the northeast corner of the site and a managed seasonal marsh of 247 acres along the site's southern margin." The mudflat would serve as a spoil site part of the time and as a shorebird habitat the rest of the time. The "management" of this conversion from

N-1 spoil site to shorebird habitat would be the District's

N-2 responsibility. Although the project is not very clearly described, it does mention keeping a "constant water depth of 2 to 6 inches in a slow sheet flow..". I presume that this activity involves pumps and an expenditure of energy. Having managed a sanitation district I can tell you that this proposal would be no small task, and it is not without cost to the District. What will that cost be?

Hydrology, pg. 5.162. This section describes a flushing

N-1 schedule two times as frequent as the present schedule.

N-2 Again, I find no cost analysis of this activity. Also, I

E-1 have grave reservations about the methods and consequences of the flushing plans described. these have been mentioned in the response of the BMK Planning Advisory Board.

Referring to Table S-1, here a few examples of impacts which I do not feel have been properly evaluated for mitigation:

N-1 B.21. Mitigation of the cumulative impacts of dredging,

N-2 resuspension of sediments, lagoon flushing, etc. is stated to be the responsibility of BMKCSD. It is a long term commitment of significant funds, yet it is classed a Class III impact. Does "impact" not consider the cost to the district?

C-2 C.1 - C.37 and J.1. Every single impact involving transportation and circulation is significant to this

4 MONTEGO KEY • NOVATO • CALIFORNIA 94949 • 883 4222

LA-7

district in terms of safety, expenditure of energy and the general health and well being of the residents, if not a direct fiscal impact. An important mitigation is for a seondary access road, yet the proposed road is not included within the scope of the EIR/EIS. How can such a proposed mitigation measure, which clearly requires the scrutiny of the EIR/EIS process, be allowed? Such a road requires an EIR in and of itself, yet here we see it allowed as mitigation without it having been subjected to the EIR/EIS process! This is unacceptable.

C-2

J.5, J.6, J.7, E.1. It is totally unacceptable that no mitigation is required for J.5-7. I have talked with the project sponsor numerous times about the problems suffered daily in the existing community regarding security, safety, and water safety in particular. The design of the project insures that the existing community's exposure to these problems will increase dramatically. Presently, the Sheriff's Department has one marine patrol boat. because of the time involved in coming into the lagoons through the locks, that one patrol boat is reluctant to tie up the boat and personnel in BMK lagoons when there may be an emergency in San Pablo Bay. Yet we desperately need in-the-water patroling. The need is so great that the District has considered securing its own marine patrol boat and officer even though the cost is prohibitive. Certainly, this will have to be done if Unit 5 is approved. This is no Class III impact by any stretch of the imagination.

J-1
J-6

I have cited only a few examples of the inadequacy of this document. I strongly urge that these issues be reconsidered before publication of the final EIR/EIS, and recommend that the fiscal impact upon the District be included in the scope of the EIR/EIS.

Very truly yours,

Anne Crowder
BMKCSD Manager/Secretary to the Board

cc: Supervisor Brady Bevis
BMKCSD Board

C.63

LA-8

CITY OF SAN RAFAEL

1400 FIFTH AVENUE, P.O. BOX 151560, SAN RAFAEL, CA 94915-1560
PHONE: (415) 485-3085/FAX: (415) 459-2242

MAYOR
ALBERT J. BORO
COUNCIL MEMBERS
DOROTHY L. BRENNER
PAUL M. COHEN
MICHAEL A. SHEPPEY
JOAN C. THAYER

September 17, 1992

Tim Haddad
Environmental Coordinator
Marin County Planning Department
Civic Center, San Rafael, CA 94903

Re: Comments, Bel Marin Keys 5 draft EIR

Dear Mr. Haddad:

Staff comments on this draft EIR are related to potential project circulation impacts on San Rafael local intersections. We note, however, that many environmental issues the County is evaluating for this project are similar to those facing the St. Vincent's/Silveira properties.

While the project sponsor is not proposing to include a McInnis connector, this is one circulation alternative being examined in the DEIR. However, the DEIR evaluates this roadway's impacts only on certain local street intersections. To fully evaluate environmental impacts of this proposal, we believe that the DEIR should identify McInnis impacts on all intersections along its proposed length.

C-2

Very truly yours,

Jean Hasser
Principal Planner

NOVATO UNIFIED SCHOOL DISTRICT

1015 SEVENTH STREET • NOVATO, CALIFORNIA 94945 • TEL: (415) 897-4201 • FAX: (415) 899-5790

LA-9

Joel Montero
Superintendent

Annette Conklin
Director of Community Relations
897-4250

RECEIVED BY
1992 NOV -2 P 1:00
MARIN COUNTY
PLANNING DEPT.

October 28, 1992

Mr. Tim Haddad
Environment Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Re: Bel Marin Keys Environmental Impact Report

Dear Mr. Haddad:

K-3 This is just to confirm the Mitigation Measure K.17 p. 5.250 indicating the Novato Unified School District's need for a school site on the Bel Marin Keys V site at this time. Because of the nature of the development process in the southern part of Novato, we feel it premature to do more than reserve the site. We believe that the appropriate time to make a decision will be at the precise development plan stage when more detailed information is known about this development and possibly the plans for Hamilton Field.

A point of clarification, the project sponsor will be assessed a residential construction fee in the amount established by the Board of Trustees at the time of construction, and any other fees required by law. Busing, if in effect at the time, would be paid by the parents who opt for the service.

Sincerely,

Annette Conklin
Director of Community Relations

AC:sr

C-64

ATTACHMENT 88. LA (140)

"An Equal Opportunity Employer"
BOARD OF TRUSTEES James R. Barrett, Alan S. Harris, Kerry Mazzoni, Jeffrey P. McAlpin, Rose Mitterholz, Virginia O. Schultz, Laurie S. Stevenstad

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OCT 2 9 1992

Marin County Public Works

LA-10

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

This letter transmits comments on the DEIS/EIR for the proposed Bel Marin Keys V.

1) Is the proposed location for the "Ultimate" or alternate channel within the Project Sponsor's parcel for development?

2) The Flood Control Policy B-7.5 clearly states that "publicly controlled flood ponding areas should be retained; ponding covenants or easements held by the Flood Control District on property should not be transferred to other properties to allow development within floodways". Therefore, this precludes construction of the proposed alternate channel since it violates Flood Control Policy B-7.5 and Section 22.95.030(c)(1).

C-65

3) The third flood control project mentioned on page 5.155 of the DEIS/DEIR should be fully analyzed/evaluated even though it was not included in the initial application from the Project Sponsor. This analysis should be completed prior to finalizing the DEIS/DEIR.

4) Another alternative using the basic F2 zoning should be considered.

E-2 5) What are the cost ranges and cost/benefit ratios for the maintenance of the four flood control alternatives?

6) Who is going to be responsible and what are the maintenance costs associated with the various flood control alternatives, measures/features and mitigation measures including dredging, disposal of dredge material, retention basin, sediment and grease traps, etc.. related to this project. The DEIS/DEIR needs to clearly delineate the roles and responsibilities between the Flood Control District and the Bel Marin Keys Community District.

7) Is the Project Sponsor going to provide bonding mechanism or financial assurance in the event the proposed flood control project and/or mitigation measures do not adequately provide flood control and mitigate impacts? We urge the agreement to be entered into by the County and Project Sponsor for the construction and maintenance of the flood control project and mitigation measures to include a requirement for a bond of performance to ensure that the flood control project and mitigation measures adequately handle the flows and mitigate impacts as required in Section 22.95.030.

ATTACHMENT no. 5

(14?

LA-10

E-3 8) The Project Sponsor has proposed on page 5.157 in the DEIS/DEIR to dispose of the dredged material on a 377 acre portion along San Pablo Bay which would accommodate 3.5 million cubic yards of material. Additional alternatives for disposal of dredged material should be delineated and evaluated in the event this proposed site/alternative is not acceptable to the regulatory agencies. This is especially critical since permits for disposal of dredged material are issued with limited time duration and cannot be guaranteed throughout the life of the project.

E-2 9) The DEIS/DEIR mentions that the proposed flood flow routing through lagoons, seasonal marsh and managed mudflat areas would be designed to keep water levels low enough in Novato Creek and lagoons to prevent flooding. The DEIS/DEIR also clearly states that a number of factors and unresolved issues could significantly affect the feasibility of the system. These issues listed in Mitigation Measure E.1 (page 5.164) need to be resolved prior to finalizing the EIS/EIR.

10) The DEIS/DEIR must include drawings showing the location and construction of the various flood control alternatives. Any levees to be constructed or modified for each alternative must also be shown on the drawings.

11) The flood control alternatives must also be evaluated for suitability for the hundred year tide (7' NGVD) with normal creek flow, in addition to the hundred year flood with an appropriate tide.

Sincerely,

Beverly Ehreth

Beverly Ehreth, Chair
Flood Control Zone 1 Advisory Board

cc: U.S. Army Corps of Engineers
San Francisco District

GOLDEN GATE BRIDGE HIGHWAY AND TRANSPORTATION DISTRICT

RECEIVED BY
1992 OCT -7 P 1:12

MARIN COUNTY
PLANNING DEPT

October 2, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dear Mr. Haddad:

Subject: **BEL MARIN KEYS UNIT FIVE ENVIRONMENTAL IMPACT REPORT**

C.66

District staff has reviewed the Bel Marin Keys Unit Five draft environmental impact report (EIR) and provides the following comments.

MIT-1 The Project Sponsor has demonstrated a meaningful understanding of the transportation impacts created by development and the measures required to mitigate these impacts. In general the District supports these transportation mitigations but is concerned that mechanisms be established to insure their implementation.

The Sponsor states as an objective the removal of more peak-hour, peak-direction traffic from U. S. Highway 101 than the project will generate. To do this the sponsor proposes a three part strategy: 1) mixed land-uses to reduce the need for travel outside the development; 2) a site plan that facilitates bicycle and pedestrian circulation; and 3) public transit improvements to provide an alternative to travel via single-occupant vehicle.

ALT-1 ALT-3 An important factor in the mitigation of transportation impacts is the land-use and site design of the development. In general, it is desirable to provide some mix of activities. The Alternatives Analysis describes an alternative which retains all of the housing but none of the commercial, community or recreational activities. This alternative is estimated to generate fewer trips than the proposed Project yet generate more external peak hour trips. This demonstrates the importance of providing activities for Project residents to reduce off-site trip making. The neighborhood commercial center, child care facility and school proposed for Bel Marin Keys Unit Five could reduce off-site trip making. It would therefore seem appropriate that all alternatives under consideration include at least the reduced neighborhood commercial center as described on p.3.18 to

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ATTACHMEN

LA-11

reduce the number of out of community vehicle trips.

C-11 The Sponsor also describes a plan for providing sidewalks and bicycle access throughout the site. These improvements facilitate non-auto trips within the project and augment the ability to make off-site trips by transit.

The principal public transit improvements proposed by the Sponsor include 1) provision of an on-site light rail transit station, 2) a commuter ferry service from Port Sonoma to San Francisco, and 3) a shuttle bus service to connect the site with the proposed ferry terminal and with Golden Gate Transit (GGT) service at U. S. Highway 101. The District supports the implementation of these improvements although it should be recognized that the mode of transit planned for the former Northwestern Pacific Railroad right-of-way is still undecided. More detail is needed to understand the nature of these proposals especially the transit station and proposed ferry service. The District is interested in the location and site plan for the C-3 transit station and how it would function in relation to surrounding land uses and station access modes. Design of the station should be subject to review by the County and the responsible transit implementing agency.

With regard to the proposed ferry service, the draft EIR states that the Sponsor would provide the Port Sonoma terminal facility but would not operate the service and financial subsidy would be needed to support the service. Who would be held responsible for implementing ferry service and how would the needed subsidy be provided? The District has made no provisions to implement a new ferry service as proposed by the Sponsor but would be open to discussing this further with the Sponsor and County C-1 representatives. Additional topics to address include who would operate the service and what arrangements are proposed for access to a San Francisco terminal. How important is the proposed roadway connection from Bel Marin Keys to Highway 37 to the success of the ferry service? Given the apparent uncertainties relative to implementation of the Sponsor's proposed transit station and ferry service mitigation measures, is it reasonable to assume them as elements of the project?

C-4 A local shuttle bus service provided and operated by Bel Marin Keys Community Services Organization is proposed to connect Bel Marin Keys Unit Five with GGT service at U. S. Highway 101 and with the ferry terminal at Port Sonoma. The shuttle service is a valuable mitigation which would likely be of value regardless of the development of ferry service. The shuttle service could provide access to GGT long-haul commuter service for residents and distribution service for people who work in Bel Marin Keys.

C-4 con'd Residents could also use the service for trips to the Bel Marin Keys commercial area. The local shuttle could contribute significantly to the future success of both the proposed ferry service and the LRT system although more detail is needed for a complete evaluation. For example, the draft EIR does not indicate whether the new Project roadways would be designed with appropriate bus stop areas and bus turn-arounds.

COR The draft EIR contains a detailed description of the ten GGT routes that operate in or near Bel Marin Keys. The extent of GGT service demonstrates the potential importance of the Project shuttle service. The following minor corrections are provided with regard to the description of GGT service: Route 1 operates beyond Indian Valley Colleges to downtown Novato; Route 48 operates southbound only during the morning commute period and does not service the Ignacio or Alameda del Prado bus pads.

In summary, the District supports the Sponsor's draft EIR which includes a reasonable mixed-use site plan to reduce the need for off-site travel, facilities for bicycle and pedestrian trip-making, and significant public transit improvements. Assured implementation of the transportation mitigations should be a necessary condition for project approval.

The District appreciates the efforts of the Marin County Planning Department in keeping the District informed of significant development projects. Please call me at 257-4465 or Harvey Katz, Associate Planner, at 257-4416 if there are any questions on this matter. Thank you for your interest.

Very truly yours,

Jerome M. Kuykendall
Director of Planning
and Policy Analysis

JMK:teb
c: Alan R. Zahradnik
Harvey A. Katz
[illegible]

C.67

October 15, 1992

RECEIVED BY
'92 OCT 16 P 2:04
MARIN COUNTY
PLANNING DEPT.

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
Marin County Civic Center, Room #308
San Rafael, CA 94903

RE: Draft Environmental Impact Report and Draft Environmental Impact Statement
Bel Marin Keys/Unit 5, Novato

Dear Tim,

Following are my comments and thoughts on the above documents for the proposed Bel Marin Keys/Unit 5 project:

C.68

	Page	Comment
G-5	S-29	Mitigation #A-6: Has any evaluation been done on the impacts and mitigations for noise from Hamilton in outdoor areas of the residential and commercial areas? This is a highly outdoor-oriented community and external noise needs to be evaluated as to its impacts on the outdoor areas of the project.
A-2	S-29	Mitigation #A-7: This mitigation states that the Developer's proposed mitigation would not mitigate this impact to an insignicant level. There is no consultant proposed alternative mitigation proposed? Why not? If there is another possible mitigation, it should be stated.
B-2	S-30	Mitigation #B-2: This mitigation states that the Developer's proposed mitigation cannot adequately mitigate this impact. What is an alternative mitigation that would be more successful? If there is no such mitigation, this should be stated.
B-8	S-35	Mitigation #B-8: This mitigation requires the Developer to hire an arborist to conduct a tree inventory and recommend mitigations for tree protection. As we have seen on other projects, anyone can hire any consultant to say what one wants, I think this mitigation should be rewritten to require that the study be conducted by a County-hired arborist and it should be paid for by the Developer. This is an important issue and should be handled properly.
B-4	S-33	Mitigation #B-6: This mitigation expresses the concern that it might not be possible to execute this highly challenging and technical mitigation (i.e., to construct the actively functioning 337-acre shorebird habitat). Later, on page S-36, Mitigation #B-8 states that "if

LA (95)

ATTACHMENT 13

	Page	Comment
B-4	S-33 (cont.)	the marsh can be made to function as proposed". If there is this kind of doubt as to the feasibility of this mitigation, the the DEIR should propose another more feasible solution, or state that the impacts can not be mitigated.
MIT-1 B-6	S-37	Mitigation #B-10: Who will conduct the education program for constuction workers to explain the issues of endangered species, etc.?
D-1	S-49	Mitigation #D-1: I do not understand this mitigation. Can the amount of soil to be removed/graded be quantified in such a way as to demonstrate a successful mitigation, i.e., reduction? In other words, how much of a reduction in soil removal would be needed to comply with Countywide Plan policies, etc.?
D-1	S-50	Mitigation #D-2: This mitigation concerns the impacts of settlement over the future life on the project. Has any analysis been done re: settlement occurances at the most recent portion of Bel Marin Keys (Unit4)? What has been observed? What construction methods were used in Unit 4 to lessen settlement impacts? Have these methods been successful to date? How do those methods compare with the construction methods proposed for Unit 5?
D-3	S-55	Mitigation #E-5: This mitigation requires the Developer to submit erosion control and grading plans to the County prior to initiating construction. This should be rewritten to state that these plans will be required at an earlier date. Because there is so much grading being proposed and a significant potential for substantial erosion, these plans should be completed during the DEIR/EIS stage so that we can evaluate their effectiveness and impacts properly. We have seen other projects in the DEIR stage (e.g., Rush Creek Estates, Marin City, Lucasfilm) discuss how grading and erosion would be handled. In those cases, the Planning Commission rejected their proposed plans as being misguided and we required further analysis and revisions prior to certification of the EIR.
E-4	S-57	Mitigation #E-7: This mitigation requires a golf course irrigation and maintenance plan to be prepared prior to contruction. Again, I make the recommendation that this work be done now; as we saw with the McInnis Park DEIR, there are some important issues involved here and they should be discussed now during the public review phase, not later when the public is less likely to monitor

	Page	Comment
E-4	S-57 (cont.)	the project's development. Also, this mitigation fails to mention the need to use fertilizers and chemicals which are acceptable in wetland and other habitat areas.
E-5	S-58	Mitigation #E-8: This mitigation requires a marina operation plan to be prepared prior to marina operation. This work needs to be done now for the same reasons just mentioned in Mitigations #E-5 and #E-7.
F-3	S-59	Mitigation #F-1: This mitigation concerns dust. This discussion should also consider the use of dust suppressents, if they can be found to be acceptable in this type of sensitive environment. Also, I question the statement that dust will be a short-term problem when the DEIR states on page S-4 that construction may take a decade to complete. Even though most of the grading will be done in Phase I, this phase could take at least one year. Even the perimeter road won't be completed until the end of Phase 3, perhaps many years later. Further thought is needed here -- both considering the environmental impacts on this sensitive site, as well as on the residents who will be moving into Unit 5 in the earlier phases. The DEIR should require the dust suppression plan to be approved early on; as it is written, nothing is said about when this program would be required to be approved.
G-4	S-61	Mitigation #F-5: This mitigation concerns noise from heavy equipment. This discussion should define what a solid noise barrier is and how it would be effective.
G-5	S-61	Mitigation #G-3: I do not feel this in an adequate mitigation to alleviate the stated incompatibility of housing located near an airfield.
H-3	S-62	Mitigation #H-1: This discussion concerns the aesthetics of the project. To say that the project will alter the appearance of the site and then state that no mitigation is required is unacceptable.
H-3	S-62	Mitigation #H-2: This mitigation concerns requiring the developer to identify the important viewsheds and view features. These features should have been identified in the DEIR/EIS and specific mitigations proposed to protect them.

C.69

	Page	Comment
H-3	S-62 (cont.)	Also, the suggestion that the Developer "should consider alternative building locations" for reduced heights, etc., is a very poor mitigation. The DEIR/EIS should provide more specific direction here, including identifying which location should be designated for reduced heights.
H-2 H-3	S-63	Mitigation #H-3: This mitigation concerns light and glare impacts. This mitigation is, generally, going in the right direction, but it falls due to lack of specificity. The DEIR/EIS should make recommendations as to what types of materials and colors are acceptable. This mitigation could be structured to provide design flexibility (e.g., by providing a range of suggestions), or the Developer could propose a range of materials and lighting, which could be evaluated in the DEIR/EIS. The DEIR/EIS should be more specific about lighting fixture types which would minimize impacts.
H-2		The EIR preparer could also evaluate the present Bel Marin Keys community for the level of observed light and glare impacts, thereby identifying what works and what doesn't.
H-2		Also, Mitigation #K-1 (re: security lighting) appears to conflict with the direction of Mitigation #H-3. Please re-evaluate.
K-3	S-66	Mitigation #K-4: Why is this mitigation based upon the completion of the first 100 units? (re: construction of the fire station).
PD-1 COR K-3	S-64, S-71	Mitigations #J-3 and #K-17: These mitigations contain references to a 20-acre school site and a 10-acre school site. Which acreage is correct? Perhaps the 20-acre reference includes a 10-acre community park? Also, on page 2.12, there is a statement that the community park will be 15 acres. These inconsistencies should be cleared up.
K-8 B-9 B-10	2.21	RE: Development Phasing: most of the public benefit elements of the Project are constructed last. What happens if only Phase I is completed, and then the Developer fails to continue with the remaining phases? What happens to the wetlands and marsh habitats? What guarentees are there that these public benefits will be completed if the Developer cannot complete the project, for whatever reason?

C-70

	Page	Comment
ALT-3	3.29	The last paragraph states "No affordable housing units would be provided" under the Status Quo Alternative. Is this a correct statement? Would below market rate housing/ inclusionary housing be included in this Alternative?
ALT-3	3.30	Reduced Size Alternative -- this section states that this Alternative would set aside 20 acres for a school, 5 acres for a fire station. This alternative allows 160 units. However, the Status Quo Alternative states on Page 3.29 that the school would not be required due to the reduced density of 805 units. I do not understand why a school would not be needed for 805 units but would be needed for a 160 unit project.
ALT-3		Later, on Page 3.33 (2nd to last paragraph), there is a statement that with such a lowered density, the need for school would be eliminated. *These inconsistencies need* to be cleared up.

Additional General Comments

N-1 In comparing the various fiscal analyses for the alternatives, the negative net fiscal impacts are substantial. Where does the money come from to pay for the costs not covered by property tax revenue?

GEN-1 A-2 Section 4: Consistency with Applicable Plans & Policies: I found this section to be very difficult to read, primarily due to the organization of the information. In future EIRs, I would recommend that the preparer review the Lucasfilm EIR for a more readable and understandable format for this type of information. A table-style summary would be immensely useful here.

GEN-1 Section 5: This section could benefit from reorganization as well. Put mitigations next to the relevant discussion of the impact, not a page or two later. This section was very difficult to read in a practical sense. Its organization forced the reader to flip back and forth through pages, which causes frustration and is time consuming. Fortunately, the summary was easier to read to get this information.

C-4 What is the Bel Marin Keys CSD's position re: operating the shuttle bus service to Golden Gate Transit *busstops*? (page 5.131)

C-3 Page 5.131 discusses the Developer's proposal to build the light rail station. What if the Developer is not longer in existence at the time this system is in place? What happens? The Project should be evaluated as if the light rail station were not going to be built, as a worst case scenario.

J-10 Page 5.227 contains a discussion of Landfill 26 at Hamilton Air Force Base. It is unclear from the text how this relates the Bel Marin Keys/Unit 5 and what the impacts would be. Please elaborate.

These are my comments for now, Tim. I may have more to forward to you before the next Planning Commission hearing on this Project. Please let me know if you have questions about my comments.

Kindest regards,

Jan Alff Wiegel

Jan Alff Wiegel
Planning Commissisoner

LA-13

INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS

RECEIVED BY
1992 OCT 30 P 12: 15
MARIN COUNTY
PLANNING DEPT.

October 28, 1992

TO: Tim Haddad
Planning Department

FROM: Bob Beaumont
Land Development Engineer

RE: BEL MARIN KEYS UNIT 5
DRAFT EIR/EIS

The subject document has been reviewed by the Land Development, Flood Control and Traffic Divisions of Public Works and we offer the following comments:

C.71

COR 1. In volume 2, page C.18, Table C.1-4, the LOS of signalized intersections 2, 3, and 4 are not correct. The table must be corrected.

2. On page 5.139, the document states that if the County requires additional fill beyond that proposed, that such a requirement might necessitate the importation of fill, whereas the proposed project balances cut and fill. It is currently anticipated that this Department will require additional fill beyond that proposed which may then, in turn, require the importation of fill with the resultant potential for additional impacts.

3. Tables 5.D-1 and 5.D-2 present expected settlement of the site given certain amounts of fill over various depths of bay mud. Table 5.D-1 is based on the conceptual grading plan prepared by the project sponsor which would create initial fill elevations of 10.0 NGVD for the levee and building pads. Table 5.D-2 is based on a scenario of maintaining a minimum elevation of 8.0 NGVD after 100 years of settlement.

D-1 The purpose of these tables is to present the information necessary to evaluate the amount of fill which will be required to maintain certain minimum elevations at the site to protect it from flooding. Neither of these tables constitutes a plan for filling the site which has been approved by the Public Works Department. Prior to approval of the Master Plan, Public Works will establish criteria for minimum site elevations to be incorporated as conditions of Master Plan approval.

In order to mitigate the projected settlement of the site, Mitigation Measure D.2 states that a detailed geotechnical investigation should be performed at Development Plan stage. This detailed investigation would establish the minimum elevations necessary to meet Public Works' minimum elevation criteria. This mitigation is acceptable to Public Works.

cc: John Wooley, Flood Control Division
Tho Do, Traffic Division

RDB:om/pim

ATTACHMENT v.

(Novato (Rudd)

CITY OF NOVATO

Ernest J. Gray
Mayor
Harry J. Moore
Mayor Pro Tem
Dennis Pinkwick
Councilmember
Bernard H. Meyers
Councilmember
Cynthia L. Murray
Councilmember

Rodeitch J. Wood
City Manager

SEP 21 1992

September 18, 1992

LA-14

Commander
11th Coast Guard District
Building 10, Room 214
Coast Guard Island
Alameda, CA 94501-5100

Re: Public Notice 11-92

A-3 This is in response to your public notice for construction on an artificial waterway with a navigation lock and bridge in connection with Bel Marin Keys Unit 5. The City of Novato recommends that you not approve this application since the applicant has not received the local land use approvals which are required of this project. The project is currently being processed through the County of Marin and has not received any approvals. The City of Novato has informed the County of Marin that we are opposed to the current project based on conflicts with existing land use policies. A permit application before the Coast Guard should only be considered after local land use approvals have been granted for the project. If you have any questions, please call Mark Westfall, City Planner, at (415) 897-4341.

Sincerely,

Mark Westfall

MW/jc
J/1032

cc: Marin County Planning Department
Bel Marin Keys Development Corporation, P.O. Box 847, Mill Valley, CA 94942

ENCLOSURE(1)

4. Applicant 

[illegible]
100 Park Center Plaza, Suite 450
San Jose, California 95113
USA

Phone (408) 280-6601
Fax (408) 280-7535

September 10, 1992

Mr. Gordon Jacoby
Venture Corporation
187 East Blithedale Avenue
Mill Valley, California 94942

Dear Mr. Jacoby:

I have completed my review of the traffic section of the Bel Marin Keys Draft Environmental Impact Report. Overall, I found the traffic section to be awkward to follow and confusing in its format and presentation. Although most of the necessary ingredients are included for a transportation section of an Environmental Impact Report, the presentation is not as clear as it could be. More importantly, there appear to be some significant questions regarding methodology and conclusions. My most serious concerns are as follows:

C-72

- Under the "Existing Plus Approved Development" section on pages 5.72 through 5.82, I have some questions as to the trip generation methodology and the trip distribution methodology. First, on page 5.72, the document states that trip generation rates for approved and under construction projects were derived from the Institute of Transportation Engineers (ITE) *Trip Generation* manual. Table 5.C-4A lists selected trip generation rates for the appropriate uses, such as residential, office, and retail. Those rates are widely accepted and not questioned among professionals. However, one of the items, senior housing, is given the same generation rate as multi-family residential at 5.9 daily trips per dwelling unit. For this category, the environmental document cites Wilbur Smith and Associates' work on the *Hamilton Field Master Plan and Redevelopment Plan Draft EIR* dated July 1988. Conventionally, senior housing is given a reduction in the number of daily trips as compared to other residential units since it is felt that seniors make fewer trips per day than younger families. The report does not explain why no reduction is given for senior housing or validate that assumption. The use of the 5.9 daily trips per dwelling unit for senior housing could have an impact upon the number of trips the Bel Marin Keys development produces as there is a senior housing component of 110 units in Phase II. Trip generation could be reduced on those units.

C-5

  There are other similar problems with trip generation and trip distribution when the approved and under construction projects are compared with the Bel Marin Keys project. For instance, on page 5.73 the discussion concerning trip generation for the approved and under construction projects states that "Vehicle trip distribution patterns for the approved/under construction development projects were determined

Mr. Gordon Jacoby
September 10, 1992
Page 2

on the basis of recent survey research of housing and costs and employee household income as well as surveys of existing travel patterns in the Marin/Sonoma County area." It is unclear, however, from the paragraph whether all of the approved projects that are referenced use this methodology or whether Wilbur Smith and Associates recalculated all of the trip distribution patterns for the approved and under construction projects. There are 21 such projects listed on page 5.75 in Table 5.C-5. The paragraph does seem to imply that all of the 21 projects utilized that distribution. I would be surprised if either one of the inferences is likely. The trip distribution assumptions are as shown in Table 5.C-6 on page 5.77 and Wilbur Smith and Associates is listed as the source for this distribution pattern, contradicting their earlier reference to the "research" that sources the Transportation Research Board, *Highway Capacity Manual, Special Report 209*, 1985, Chapter 10. If indeed Wilbur Smith and Associates is the source for this trip distribution, then I even more seriously doubt the 21 other approved and other construction projects used this source. However, if the Transportation Research Board is the source, then it is slightly more likely.

C-5
COR

Following along on the trip generation rate, project #9 listed in Table 5.C-5 on page 5.75 is the Vintage Oaks project. The source for the trip generation rate for that project is listed as the EIR dated September 1990. This project contains 622,000 square feet of retail and is predicted to generate 24,970 daily trips for an average of 40 daily trips per 1,000 square feet of retail. This is significant in that the Bel Marin Keys retail portion of the project in Phase II is predicted to generate 11,350 daily trips with 164,000 square feet of retail. The Bel Marin Keys average works out to approximately 69 daily trips for 1,000 square feet of retail. There appears to be a significant discrepancy in this generation rate comparison that needs to be investigated further. The Vintage Oaks project listing is not specific as to the type of retail and therefore it is impossible to analyze their generation rate any further, however, the nearly 30 trips per 1,000 square feet difference between Vintage Oaks and Bel Marin Keys does warrant further investigation, especially as it is not clear whether the ITE rates were utilized in calculating trip generation for Vintage Oaks. This is the second instance where the Bel Marin Keys generation rate may have been overestimated by comparison to other approved and under construction projects.

- Under the section titled, "PROJECT DEVELOPMENT," on pages 5.83 through 5.97, I also have some concerns. Under "Project Trip Generation," on page 5.83, the document states:

> Each of the project components has its own particular characteristics (i.e., the rate at which it generates trips and the temporal distribution of these trips). An important factor in understanding the trip generation patterns for this project is that a considerable number of trips would be internal (i.e., trips would be generated among its own components). For example, people living in the residential component would use the local, retail, golf course, and other local community facilities. The net result is that trips to the project's various uses would be from people already in the area, rather than external trips that would affect the surrounding transportation network.

I have quoted this entire paragraph because it is extremely significant. It states that many of the trips in Phase II will be trips internal to the development. For instance, someone who lives in the development will perhaps stop at the grocery store on their way home from work or stop at other retail businesses or the restaurant. On the weekends, residents would also use the restaurant, the supermarket, or the recreation facilities. They would not need to drive in from the outside to reach these facilities.

C-5 Indeed, some residents may choose to walk to these businesses and recreation facilities. The error in the traffic analysis occurs on page 5.85 in Table 5.C-10 where no reduction is given for these internal or "pass-by" trips. The full rate is charged for them yet they have previously stated that "...a considerable number of trips would be internal." The report methodology is in error because it distributes the internal trips throughout the external network instead of subtracting them from the study intersections. So, now we have three instances where trip generation may be overestimated. I believe that this last instance is the most glaring instance of overestimation of trip generation with the senior housing as second most important.

A general comment at this point with regard Table 5.C-10: Project Trip Generation Estimates by Phase. The first phase of the Bel Marin Keys project generates very few peak-hour trips according to this table and should not have a significant impact on the roadway network. Phases II and III and in particular Phase II have a much more important impact on the network.

Table 5.C-11: Existing Plus Approved Plus Phases I, II, and III of the Project and Existing Streets, (sic) shows the volume-to-capacity (V/C) and levels of service (LOS) in the AM and PM peak hours for five scenarios at the seven study intersections. This table comes the closest to showing the impact of the project only on the street system. It has two weaknesses. The first is that the LOS calculations for all phases of the project are shown on the existing street network and not on either the ultimate

APP-1

network or the two alternative sponsor networks. Later in the report, there is a

C-5 calculation of the V/C and LOS on the ultimate and alternative networks, but there are problems with that table also that I will go into later. The second fault of this table is that it does not analyze the V/C or LOS with any mitigation measures in place. This analysis is a standard practice that is quite valuable in determining the extent of the project impacts and the ability to ameliorate those impacts.

This report also analyzes the freeway conditions on U.S. 101 in the vicinity of the project. One cheerful note, the report states on page 5.95, "With Phase I, II, III of the project, the weaving areas are classified as unconstrained." This sentence refers to the freeway mainline and ramps. This impact is classified as a Class III impact and is therefore insignificant.

C-4 Under transit impacts on page 5.96, the report estimates that shuttle service from the project to the Golden Gate Transit bus stop near U.S. 101 and the Ignacio Boulevard interchange would eliminate approximately 35 vehicles from the roadway network. While this is an admittedly small number of trips, they were not subtracted from the street network and therefore the generation and distribution was once more overestimated.

C-8 The next section of the report deals with the impacts of the "CUMULATIVE DEVELOPMENT" on pages 5.97 to 5.122. This section of the report deals with what is termed "cumulative" traffic and it describes the results of the analysis of the alternative street system. For cumulative traffic impacts, the study utilizes the 15-year time horizon and estimates a population increase in the City of Novato 24 percent by the year 2005. The population increase is derived from ABAG's *Projections '90*, which is the appropriate source. The report estimates that the total potential for additional traffic amounts to 55,000 daily vehicle trips with nearly 4,600 additional AM peak-hour trips and nearly 5,600 additional PM trips. These "cumulative" developments or projects were obtained from the County of Marin Planning Department in or as of August 1991. This list, shown in Table 5.C-13, consists of planned but unapproved projects in the county. There are 17 projects listed, the largest of which is the Hamilton Field mixed-use development. I have some concern over the fact that the list of planned developments is over a year old. Given the economic climate of the times, this list may have shrunk and therefore the number of planned trips may also have shrunk. These planned trips are then added to the already approved and under construction trips to create the cumulative total. This total amounts to 95,750 daily trips and 7,270 AM peak-hour trips and 9,700 PM peak-hour trips. They are then added to the trips that the Bel Marin Keys development is projected to generate in all

C-8 three phases and analyzed on the existing street network and the three alternative street networks. Needless to say, the resulting traffic impacts are quite significant. The analysis proceeds by roadway network, first analyzing the existing street system, then the ultimate street system, and finally the two alternative street system proposed by Venture Corporation. Placing the total cumulative trips on each network, a V/C ratio and level of service is calculated.

C.74

The cumulative conditions on the existing network result in the greatest impact to the study intersections with four of the five signalized intersections exhibiting LOS F in the PM peak hour. Only Nave Drive and the U.S. 101 northbound off-ramp exhibit a LOS better than F at C. When the analysis moves to the ultimate street system, the trips are redistributed with 35 percent of the total southbound trips using McInnis Parkway rather than U.S. 101 to and from San Rafael and southern Marin County. At this point the text becomes unclear in that it states, "In addition, an estimated 12 COR percent of southbound, and 20 percent of northbound commercial trips were assigned to McInnis Parkway." As the text previously stated that 35 percent of the total southbound trips were redistributed to McInnis, I do not understand what is meant by an additional 12 percent of commercial trips were reassigned to McInnis Parkway. Does this indicate a total of 47 percent southbound trips or does it mean 35 percent of the total plus an additional 12 percent of commercial trips only? Without a depiction of the redistribution and the actual volumes that were redistributed, it is impossible to tell. A clarification should be requested on this item as it affects the number of trips on the network and at the study intersections, possibly altering the levels of service.

The analysis proceeds with the ultimate street system and the two sponsor street systems. The good news is that under the cumulative conditions with the ultimate street system, all five signalized study intersections would operate at LOS D or better during both AM and PM peak hours. The only caution is that the intersection of Ignacio Boulevard and southbound U.S. 101 ramp would display a V/C ratio of 0.90, dangerously close to a LOS E and therefore unacceptable. Indeed, a V/C of 0.90 is considered to be a LOS E by many professionals. On the two alternative street C-5 systems proposed by Venture Corporation, the roadway conditions vary slightly from the ultimate street system with some worsening. As you had pointed out during our phone conversation, this result is cause for concern since both Venture Corporation's street networks include the ultimate street system. The only remarkable difference that could account for the worsening in level of service at Ignacio Boulevard and the U.S. 101 southbound ramps is in the alternative that does not contain the connection to San Rafael but connects to Main Gate Road. In this instance it could be conceivable

that fewer trips would use McInnis Parkway for southbound travel and would therefore use the Ignacio Boulevard/U.S. 101 interchange. This situation is still problematic, however, because access could be gained to U.S. 101 at Alameda Del Prado and even more certainly because the text states that the same percentage of total southbound trips (35 percent) and southbound commercial trips (12 percent) were redistributed to McInnis Parkway "...rather than the Highway 101/Ignacio interchange to and from southbound destinations." Clarification needs to be given for the unexplained deterioration in the levels of service at Ignacio Boulevard and the C-5 U.S. 101 southbound ramps. By the way, this deterioration also occurs, though not to the same extent, with the Venture alternative with the southbound connection to San Rafael along McInnis Parkway. That deterioration with the southbound connection is even more mysterious.

Reduction in the level of service also occurs with the two unsignalized intersections, Nave Drive at U.S. 101 northbound ramps and Alameda Del Prado at the U.S. 101 southbound ramps. This deterioration would seem to suggest that Nave Drive and Alameda Del Prado were being used for southbound freeway access.

- Finally, I would like to discuss the section titled, "PROJECT MITIGATION MEASURES" on pages 5.122 through 5.132. This section suggests measures necessary to mitigate impacts on the street system by network alternative for all three phases of Bel Marin Keys. In order to facilitate my understanding and hopefully your understanding of the proposed mitigation measures, I have created a table that lists the proposed measures by alternative and intersection. This table also attempts to point out where the report states that an impact is due to the cumulative traffic generated rather than the project-specific traffic. As would be expected, the existing roadway network would suffer the most severe impacts and require the greatest mitigation. As the existing roadway network is not being proposed by the Venture Corporation, I will C-9 not further discuss this alternative. When the ultimate or the two alternatives proposed by Venture are examined, most of the roadway improvements are eliminated. It is necessary, of course, to extend McInnis Parkway and Hamilton Drive to realize these improvements and eliminate the other mitigations.

Following along with my concern over the deterioration in the level of service at Ignacio Boulevard and the southbound U.S. 101 ramps, for the two Venture alternatives, a mitigation measure is suggested consisting of the addition of a southbound left-turn lane at that intersection. Also, at Nave Drive and the southbound U.S. 101 ramp, a signal is proposed in both sponsors alternatives and a northbound right-turn lane in the alternative with no San Rafael connection. The report states on page 5.130

C-9 that, "This unsignalized intersection, which would not require mitigation in any project scenarios, would require mitigation with the addition of cumulative development traffic." The paragraph goes on to suggest the signal. This sentence as well as others points out the mixing of mitigation measures required for the cumulative impacts of all projects with the impacts of the project only. As we discussed on the phone, a distinction needs to be drawn clearly between project mitigation and cumulative mitigation. The report is very casual about making that distinction. A clarification should be provided describing exactly which mitigation measures are required for the project only.

C.75

C-9 In accord with the above clarification is a concern over the financial responsibility of the Venture Corporation for mitigation measures. Obviously, other projects that impact the same intersections and street network should be responsible for their portion of the improvements. Venture Corporation should not be assessed the full value of improvements when other projects are also contributing to the deterioration in levels of service.

C-1 C-3 C-4 There is very little discussion of the sponsor proposed mitigation measures, specifically the shuttle bus service, the light rail station, and the Port Sonoma/Marin Ferry. Besides the expense of implementing these mitigation measures, there is no deduction given in the trip generation calculations for the trips that would use the shuttle bus, the light rail, and the ferry. The report states, "These measures have not been quantitatively analyzed; however, they are expected to considerably reduce project-generated and cumulative traffic impacts." My response to this statement is, "Why not?" This is another instance of possible overestimation of trip generation. One possible explanation for the lack of deduction for the trips is that the light rail has no funding available for construction and the report statement that the Port Sonoma Ferry Terminal would be located north of the development when commuters would be southbound. More serious consideration needs to be given to the three proposed mitigation measures and a serious analysis of the trip reduction potential should be included in the traffic analysis.

GEN-1 Finally, the summary attached at the beginning of the report makes numerous generalized statements about the traffic conditions that are both redundant and contradictory, and also very confusing. The summary in some instances does not state which scenario or network alternative is being referred to, it repeats certain conclusions with slightly different wording and sometimes with slightly different results, and it also makes slightly different conclusions regarding the same intersection. The

GEN-1 summary needs to be much more clear and precise as it is often the only portion of an EIR that some people read.

These comments constitute the bulk of my major concerns. While there are other less significant concerns with this report, I do not wish to belabor the review any further.

Please feel free to call me and discuss these items to your satisfaction. Good luck with your project and I hope that this commentary has helped.

Sincerely,

BARTON-ASCHMAN ASSOCIATES, INC.

Joan Jenkins
Senior Associate

JJ:mdb

Attachment

Mitigation Measures

Intersection	Existing and Approved plus Project on Existing Streets	Cumulative plus Project on Existing Streets	Cumulative plus Project on Ultimate Street System	Cumulative plus Project on Sponsors Network No San Rafael Connection	Cumulative plus Project on Sponsors Network with San Rafael Connection
Digital/Bel Marin Keys Boulevard	*Phase I:* Add WB LT	*Phase I:* Add WB LT	None	None	None
Commercial/Bel Marin Keys Boulevard	*Phase I:* Convert WB RT to LT Add 2nd LT	*Phase I:* Convert WB RT to LT Add 2nd LT	None	None	None
	Phase II: Add 3rd SB TL	*Phase II:* Add 3rd SB TL			
Ignacio/U.S. 101 NB Ramps	*Phase I:* Add 2 WB RT	Cumulative traffic add EB RT	None	None	None
	Phase II: Convert NB TL to RT and add 2nd NB RT				
	Phase III: add WB RT				
Ignacio/U.S. 101 SB Ramps	*Phase I:* Add SB LT	*Phase I:* Add SB LT	None	Add SB LT	Add SB LT
	Phase II: Add SB LT Add WB LT	*Phase II:* Add SB LT Add WB LT			
Nave/U.S. 101 NB Off-Ramps	None	None	None	None	None
Nave/U.S. 101 NB Ramp	None	*Cumulative:* Signalize	None	Add NB RT and signalize*	*Cumulative:* Signalize
Alameda Del Prado/ U.S. 101 SB Ramps	None	*Cumulative:* Signalize	*Cumulative:* Signalize	*Cumulative:* Signalize	*Cumulative:* Signalize
U.S. 101	None	No mention	Various TDM (shuttle, LRT, ferry)	No mention	No mention

* This mitigation should be for cumulative case but does not so state.

C-77

OBERKAMPER & ASSOCIATES

CIVIL ENGINEERS, INC.

APP-2

10 PAUL DRIVE • SAN RAFAEL, CA 94903 • (415) 479-8662 • FAX: (415) 479-188

October 2, 1992
Job No. 151-87

RECEIVED
OCT 5 1992

Mr. Gordon D. Jacoby
Vice President of Development
Bel Marin Keys Development Associates,
P.O. Box 847
Mill Valley, CA 94942

RE: Bel Marin Keys Unit 5
DEIR/DEIS Geology Section

Dear Gordon:

I have reviewed Section 5.D Geology, particularly "Impact D.2" and find several matters of concern. I have discussed these matters with our project soils engineer, Keith Bergman of Harding Lawson and with Bob Beaumont, Marin County Department of Public Works.

D-1
D-2

First, this section contains a significant amount of theoretical analysis (see Tables 5.D-1 and 5.D-2) which is based on a limited amount of data regarding the bay mud material. The theoretical nature of this information should be highlighted since the design level subsurface geotechnical investigation set forth by "mitigation measure D.2" may produce somewhat different results.

Second, the analysis uses assumptions which are at variance with the County's Development Standards Ordinance. On page 5.140 and 5.141 "It is assumed that building pad elevations and the levee road would be required to remain above elevation +8 after 100 years." The last paragraph on page 5.141 speaks of the fill which "would have to be placed to meet the anticipated County requirements."

D-1

The Development Standards Ordinance provides that the elevation for the foregoing after ultimate settlement is 7.0 for areas immediately adjacent to tidal influence. Ultimate settlement is defined as that which is predicted to occur over a thirty year period except that where conditions warrant, the director of public works may either extend or reduce this period.

This property is clearly adjacent to tidal influence thus the 7.0 elevation should be used. The extension of the time period from 30 years to 100 years appears excessive in terms of criteria used for other projects within the County.

D-1

APP-2

I was told by Bob Beaumont that the criteria and analysis in impact D.2 are not intended to establish requirements for the development but only to develop information. Criteria regarding elevations and the settlement period will be developed as part of the master plan approval.

We believe that the foregoing factors should be made clear as a part of the EIR/EIS particularly so there is no misunderstanding as to the nature and purpose of the numbers used in the analysis.

Very truly yours,

OBERKAMPER & ASSOCIATES,
CIVIL ENGINEERS, INC.

L. E. Oberkamper,
President

LEO:pjo



October 9, 1992

Ms. Jan Alff-Weigel
Marin County Planning Commission
Civic Center
San Rafael CA 94903

Dear Ms. Alff-Weigel:

C-78

Thank you for the opportunity to outline more fully our goals for the habitat restoration and environmental mitigation as part of the Bel Marin Keys Development. As you noted, these goals mark a refinement of our initial proposal. This has evolved as part of the normal planning process. With the benefit of constructive agency, expert and community review, we have now focused on one of the alternatives that we presented in our April 1990 proposal. This is the alternative presented in Section E, p.12, which outlines restoration to a tidal salt marsh habitat. We are able to shift the design from the previously proposed "mud flat", because we no longer may need to use the Bayfront area as a flood water ponding area to satisfy the County's flood control requirement.

B-4 As we stated in the hearing, our first and primary goal is to give back an environmental gain that is significantly more than the habitat loss due to the project. This is why we propose to restore a minimum of a square mile -- more than 640 acres -- of tidal wetland/salt marsh habitat at Bel Marin Keys. (This is exclusive of the existing brackish wetland in the southwest portion of the property). The habitat design concepts are being prepared by Mike Josselyn, President of Wetlands Research Associates and Laurie Wayburn. Both Mike and Laurie have outstanding reputations and local knowledge in wetland restoration. The restored habitat will link the sensitive areas of Novato Creek to the north with the protected area of the California Fish and Game parcel to the south. This would provide contiguous, functional tidal wetland habitat as part of the San Pablo Bay shoreline.

Another goal is that this restoration project is to provide habitat necessary for endangered and threatened wetland dependent species of this region of the

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APP-3

Bay Area. This includes species such as the Clapper Rail, Black Rail and salt marsh harvest mouse. Plant species such as bird's-beak, knotweed and marsh gum would also be appropriate species for this habitat. The project design will include an upland zone, which provides necessary refugia for many species during high tides. Design within the salt marsh will also include providing for "islands" (for loafing and feeding of marsh and shorebirds) as well as channels. As we propose to work with clean dredge fill materials, these features need to be carefully engineered. Some, such as the channels, will take time to evolve. Specific methods, time and work-tables will be prepared as the project progresses.

Another aspect of this restoration is that it should provide significant habitat area for shorebirds. As you may know, this site is a part of the Pacific Flyway. San Francisco Bay is one of three largest shorebird migratory areas in the West. Restoring shorebird habitat is, therefore, particularly valuable. We also intend to provide potential nesting habitat for raptors in other open space areas of the project.

B-4 B-6 We propose to work in close partnership with other Bay Area groups, state and federal agencies involved in restoring habitat throughout the Bay to implement an important goal of the E.P.A. San Francisco Estuary Project. This goal is to utilize clean dredge materials to restore subsided historic tidal wetlands, (please see enclosed article). As referenced above, this methodology for wetland restoration was identified as one of several alternatives in our submitted proposal -- (Section E. p. 12). Further discussions with the environmental and agency community have helped us focus on this alternative as the most desirable and feasible for our project. Our intent is to design the restoration in several self-contained phases as dredge material becomes available. The full cost for the entire restoration will be paid for by the project. Because such restoration projects take time, we will expect to provide the necessary bonds or other forms of financial security to guarantee that the work is completed. We also intend to place this restored habitat into permanent protection through a conservation easement, transferring title to a non-profit entity or deeding it over to the public trust with a state or federal agency. These options will be more fully explored with the appropriate entities as the project progresses.

B-1 On another related issue concerning this project's mitigation, there was some confusion expressed during the hearing over the jurisdictional authority for the wetlands at the site. Attached, please find a letter from the Army Corps of Engineers which clearly resolves this issue as well as the 1992 Memorandum of Understanding between the Corps and E.P.A, which further outlines the basis for the Corps' jurisdiction.

APP-3

In conclusion, we believe that this project is indeed precedent setting -- not only for Marin County, but for the Bay Area as a whole -- through the standards it sets for significant environmental gain. The ratio of mitigation for habitat alteration well exceeds current standards with a minimum of 7:1 acres in restoration. Further, the habitat replacement proposed is for a higher value habitat than that which is currently available. Finally, the project will contribute a major new protected tidal wetland to Marin County and the Bay Area overall.

We hope that this provides a fuller understanding of our goals in the project and would be pleased to provide you with any further information you might wish.

Your very truly,

Gordon Jacoby, AICP
Vice President of Development
Bel Marin Keys Development Associates

cc: Jerry Friedman
Mark J. Reisenfeld

C.79

Marin Independent Journal, Sunday, September 13, 1992

Plan to boost health of bay, delta

Coalition bid helps Marin wetlands

By Maura Thurman
Independent Journal reporter

After five years of studies, a coalition of government, environmental and business leaders is floating a plan to improve the health of the San Francisco Bay-Delta estuary.

The draft management plan sets goals to improve water quality, fisheries, wetlands and education about the waterway that extends from the Pacific Ocean to Sacramento and Stockton.

Among the proposals with the most impact in Marin: policies to save wetlands and use mud dredged from harbors to help restore wetlands around the bay.

"If everything happens that's in the plan, it would be a very good thing," said Barbara Salzman of Larkspur, a Marin Audubon Society leader who headed the committee that developed the plan's wetlands policies.

The plan could lead to new policies for wetlands like those along Marin's eastern shore, which are targeted for development in Bel Marin Keys and Bahia.

To ensure that wetlands will be restored, the plan must spell out incentives for private landowners to participate in such projects, said Gordon Jacoby of Venture Corp. The Mill Valley firm hopes to build 1,100 homes at Bel Marin Keys and restore 600 acres of wetlands.

"There has to be a partnership between the economy and the environment that's evident in the plan," said Jacoby, who has worked on planning projects around the bay. "The plan is very long on good research but kind of short on the kind of ingredients that pull these projects together."

The work of putting the plan into action may require as much compromise as creating the proposals now offered for public review, Marin County Supervisor Al Aramburu said.

"This has been done in something of a laboratory setting. Now it has to get out in the real world," he said. "Implementation will present a whole new set of complex problems."

After the current round of public hearings, project leaders will reconsider and revise the draft plan. A final plan must be signed by Gov. Pete Wilson and U.S. Environmental Protection Agency Administrator William Reilly.

The San Francisco Estuary Project is unique in two aspects, spokeswoman Joan Patton said.

First, it is a joint effort by the U.S. Environmental Protection Agency, the state Regional Water Quality Control Board and the Association of Bay Area Governments to bring all parties affected by bay and delta management to a single table. A committee of more than 45 people hammered out the draft plan.

Second, Patton said, the project examined the bay and delta as a single system and weighed together all the activities affecting it.

"It looks at the water relationships of all the parts. We're not breaking off pollution problems and giving them to one agency to deal with. We're not looking at activities in the delta as separate from activities in the bay, since ecologically it is an integrated system," she said.

Some parts of the plan remain open to revision. A section on "water resources," which includes salinity standards for waters in the delta, is not yet final, Patton said.

That's among the stickiest issues in the plan, because it could trigger decisions about the amount of fresh water that must flow into the bay. Water diversions from the bay and delta have been a target of environmentalists, who argue diversions have caused the decline of salmon and other ecological harm.

The plan proposes to develop measures that would increase fresh water flowing through the system. It recommends more water conservation and recycling to make more flows available into the bay.

"I would have liked to see a firm commitment to fresh water flows. The statements in the current plan are pretty wishy washy," Salzman said. "Things really get watered down when you're trying to reach consensus."

Other proposals in the draft plan:

- Increase technical and financial aid to companies to help reduce pollutants discharged into the bay and delta.
- Study dredged mud dumped in the bay to determine how it settles and disperses; encourage use of dredged mud to rebuild wetlands as an alternative to dumping.
- Restore healthy, self-sustaining populations of fish and wildlife; create measures to stop new introductions of non-native species that feed on native fish and to reduce poaching.
- Develop an estuary research complex to monitor fish, wildlife, wetlands and water quality.



U map/ John Shanahan

"We're not breaking off pollution problems and giving them to one agency to deal with. We're not looking at activities in the delta as separate from activities in the bay, since ecologically it is an integrated system."

— Joan Patton, San Francisco Estuary Project

San Francisco Bay/Delta estuary at a glance

- San Francisco Bay and the delta formed by the confluence of the Sacramento and San Joaquin rivers form the largest West Coast estuary. The term "estuary" describes a system that mixes fresh and salt water.
- The bay/delta system encompasses almost 1,600 square miles and drains water from more than 60,000 square miles, or 40 percent of California.
- 20 million Californians get drinking water from the bay/delta system, and farmers irrigate 4.5 million acres with its water.
- San Francisco State University scientists estimate that more water flows through the delta fall from 27 million acre-feet to 14 million acre-feet after human settlement began in the Central Valley. An acre-foot is 325,851 gallons.
- Two-thirds of the salmon caught by commercial fishermen in California spend part of their lives in the bay and delta. More than 200 species of fish live in these waters.
- Half the waterfowl and shorebirds migrating along the Pacific Flyway use the bay/delta system.
- Researchers believe 36,000 acres of tidal marsh, or 6 percent, remain from the 500,000 acres that lined the estuary when human settlement began.

A public hearing on the draft estuary management plan will be at 7 p.m. Tuesday at the Bay Model Visitor Center, 2100 Bridgeway, Sausalito. Copies of the plan are available for review at the Mill Valley Library and the Marin Civic Center library.

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
211 MAIN STREET
SAN FRANCISCO, CALIFORNIA 94105-1905

APP-3

AUG 7 1992

Regulatory Branch

Mr. Harry Seraydarian, Director
Water Management Division
United States Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, California 94105-3901

Dear Mr. Seraydarian:

C.80

On March 12, 1992 you asked the District to revisit its Section 404 jurisdictional determination for Bel Marin Keys, site of a proposed development in Marin County, by using the Bolsa Chica special case as guidance for determining Corps jurisdiction at Bel Marin Keys. You assert that this is required by the January 1989 Memorandum of Agreement between the Corps and EPA ("1989 MOA"). You also asked us to use this guidance on any other uncompleted jurisdictional determinations the Corps completes in the San Francisco District, extending Section 404 jurisdiction to all section 10 waters that have not been legally filled.

My Office of Counsel has carefully reviewed your requests and found that under the 1980 Memorandum of Understanding between Environmental Protection Agency ("EPA") and the COE ("1980 MOU") Bel Marin Keys was not subject to the Bolsa Chica decision because under the 1989 MOA, Bolsa Chica was not included on the "Regional List." What follows is their analysis of your requests.

While the Corps of Engineers ("COE") makes the majority of jurisdictional determinations, under the 1980 MOU, EPA is ultimately responsible for determining the jurisdictional scope of waters of the U.S. for Section 404 jurisdiction in those situations where significant issues or technical difficulties exist concerning the jurisdictional scope of Section 404 waters, significant environmental consequences or where EPA has declared a special interest. These special cases must be referred to EPA for jurisdictional determinations.

APP-3

The 1980 MOU required the District Engineer ("DE") to determine whether a permit application involved a special case. The DE was authorized to make the jurisdictional determination if a special case was not involved. For special cases, a list is published in the Federal Register ("FR") identifying them. Bolsa Chica was listed as a special case in the October 24, 1980 FR which stated:

> The second special case involves a specific California site commonly known as the Bolsa Chica Gap. The COE South Pacific Division and EPA Region IX have agreed to list this area as a special case because of technical difficulties relating to past activities by man.
>
> The wetlands/lowlands portion of Bolsa Chica near the City of Huntington Beach in Orange County, California, generally bordered by Edwards Street, Talbert Avenue and Huntington Beach City limits to the east, the Pacific Ocean to the west, Warner Avenue to the north and Huntington Beach Mesa to the south. This area, which is in EPA Region IX, consists of approximately 1,200 acres. (emphasis added)

Reviewing this language, we conclude that this special case applied only to the area described, the 1,200 acres located in Bolsa Chica and not to Bel Marin Keys. Therefore, the District did not refer the Bel Marin Keys December 24, 1984 permit application to EPA for a jurisdictional determination.

The Corps issued the Public Notice ("PN") for Bel Marin Keys on January 17, 1985. EPA's response to the PN made no reference to the Bolsa Chica special case. The District put its jurisdictional determination for Bel Marin Keys in writing on May 28, 1985. In addition, Bolsa Chica could not have served as guidance at the time the PN was issued because the Bolsa Chica decision was not made until sometime in 1989. Prior to this time, the applicant for Bel Marin Keys had withdrawn their December 24, 1985 permit application.

On January 19, 1989, the Corps and EPA entered into a new Memorandum of Agreement ("1989 MOA"), effective March 19, 1989, which superceded the 1980 MOU. Under the 1989 MOA, District Engineers are to utilize "Regional Lists" to determine if a current designated special case situation is involved.

The District Engineer reviews section 404 preapplication inquiries, permit applications and other matters brought to his attention to determine if a current designated special case is involved. Bolsa Chica was not incorporated into the Regional List, even though there was a procedure for doing so. For those projects not involving a current designated special case, the District Engineer makes the final determination without a requirement for prior consultation with EPA.

On February 10, 1989 the EPA sent out a memorandum on the geographical extent of Clean Water Act ("CWA") jurisdiction concerning the Bolsa Chica case. This transmittal memorandum was site specific and did not mention that it is to be utilized as guidance under the 1980 MOU or the 1989 MOA.

The Corps reaffirmed the original jurisdictional determination at Bel Marin Keys in May 1989 because the developers were actively pursuing the project and the site circumstances remained relatively the same.

EPA, for the first time, on October 29, 1990, informed the Corps that Bel Marin Keys was subject to the guidance provided by the Bolsa Chica special case.

Based on the above analysis, *Bel Marin Keys is not subject* to the Bolsa Chica case decision.

You also asked us to utilize this guidance on any other uncompleted jurisdictional determinations the Corps completes in the San Francisco District, asserting section 404 jurisdiction to all section 10 waters that have not been legally filled. Pursuant to the 1989 MOA additions to the "Regional Lists" shall be proposed by the EPA Regional Administrator and approved by the EPA Administrator. When the Regional Administrator proposes an addition to the "Regional List", the Regional Administrator shall forward the proposal to EPA Headquarters for review and approval. (See 1989 MOA, Paragraph IV.B.) The San Francisco District will act in conformance with the 1989 MOA and refer all currently designated generic and project-specific cases to the EPA Regional Administrator for jurisdictional determinations. Bolsa Chica is not included on a "Regional List" of currently designated special cases.

C.81

MEMORANDUM OF AGREEMENT BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY AND THE DEPARTMENT OF THE ARMY

1. Authority: Section 404(q) of the Clean Water Act, 33 U.S.C. 1344(q).

2. Purpose: Establish policies and procedures to implement Section 404(q) of the Clean Water Act to "minimize, to the maximum extent practicable, duplication, needless paperwork and delays in the issuance of permits."

3. Applicability: This agreement shall apply to Regulatory authorities under: a) Section 10 of the Rivers and Harbors Act of 1899; b) Section 404 of the Clean Water Act; and c) Section 103 of the Marine Protection, Research and Sanctuaries Act.

4. General Rules: Policy and procedures for the Department of the Army Regulatory Program are established in 33 CFR Parts 320 through 330, and 40 CFR Part 230.

5. Organization: This Memorandum of Agreement (MOA) is subdivided into four distinct parts. The procedures for each part are specific to that part and do not necessarily relate to other parts. For example, different signature levels are established for Parts II, III, and IV.

PART I - BACKGROUND

1. The Army Corps of Engineers is solely responsible for making final permit decisions pursuant to Section 10, Section 404(a), and Section 103, including final determinations of compliance with the Corps permit regulations, the Section 404(b)(1) Guidelines, and Section 7(a)(2) of the Endangered Species Act. As such, the Corps will act as the project manager for the evaluation of all permit applications. As the project manager, the Corps is responsible for requesting and evaluating information concerning all permit applications. The Corps will obtain and utilize this information in a manner that moves, as rapidly as practical, the regulatory process towards a final permit decision. The Corps

will not evaluate applications as a project opponent or advocate -- but instead will maintain an objective evaluation, fully considering all relevant factors. The Corps will fully consider EPA's comments when determining compliance with the National Environmental Policy Act, the 404(b)(1) Guidelines, and other relevant statutes, regulations, and policies. The Corps will also fully consider the EPA's views when determining whether to issue the permit, to issue the permit with conditions and/or mitigation, or to deny the permit.

2. It is recognized that the EPA has an important role in the Department of the Army Regulatory Program under the Clean Water Act, National Environmental Policy Act, and other relevant statutes. When providing comments, only substantive, project-related information (within EPA's area of expertise and authority) on the impacts of activities being evaluated by the Corps and appropriate and practicable measures to mitigate adverse impacts will be submitted. Pursuant to its authority under Section 404(b)(1) of the Clean Water Act, the EPA may provide comments to the Corps identifying its views regarding compliance with the Section 404(b)(1) Guidelines. The comments will be submitted within the time frames established in this agreement and applicable regulations.

3. National or regional issues relating to resources, policy, procedures, and regulation interpretation, can be elevated by either agency to their respective Washington Headquarters for resolution as prescribed in Part III - ELEVATION OF POLICY ISSUES. Individual permit decisions will not be delayed during the policy issue elevation process. Elevation of issues related to specific individual permit cases will be limited to those cases that involve aquatic resources of national importance. Procedures for elevation of such specific cases are provided in PART IV - ELEVATION OF INDIVIDUAL PERMIT DECISIONS.

4. For projects of other Federal agencies and Federally assisted projects for which a Federal agency takes responsibility for environmental analysis and documentation, Army will accept, where appropriate and legally permissible, the environmental documentation and decisions of those agencies.

5. This agreement does not diminish either Army's authority to decide whether a particular individual permit should be granted, including determining whether the project is in compliance with the Section 404(b)(1) Guidelines, or the Administrator's authority under Section 404(c) of the Clean Water Act.

6. The officials identified in this MOA cannot delegate their responsibilities unless specifically provided for in this MOA.

7. Days referred to in this MOA are calendar days. If the end of the specified time period falls on a weekend or holiday, the last calendar day will be the first business day following the weekend or holiday. The end of the specified time period shall mean the close of the business day on the last day of the specified time period.

8. This agreement is effective immediately upon the date of the last signature and will continue in effect until modified or revoked by agreement of both parties, or revoked by either party alone upon six months written notice.

9. The Memorandum of Agreement between the Administrator of the Environmental Protection Agency and the Secretary of the Army on Section 404(q) of the Clean Water Act dated November 12, 1985, is terminated. Those permit applications which have been elevated to the Assistant Secretary of the Army for Civil Works (ASA(CW)) under the November 12, 1985, MOA shall be processed according to its terms. Those permit applications for which Notices of Intent to Issue have been sent by the District Engineer in accordance with paragraph 7.b. of the November 12, 1985, MOA shall be governed by that MOA. All other permit applications shall be governed by this agreement. For permit applications where the basic or extended comment period has closed before the signature date of this MOA the Regional Administrator has 15 calendar days from the date of the last signature below to indicate which individual permit cases will be governed under Part IV by sending the District Engineer the letter required in Part IV, paragraph 3(b).

PART II - COORDINATION PROCEDURES

1. Purpose: The purpose of Part II is to provide and encourage communication and full consideration of each agencies' views concerning proposed projects within the resource limits of each agency and the time constraints of the regulatory process.

2. District Engineers and the Regional Administrators are encouraged to develop, within six months of the date of this MOA, written procedures to ensure effective interagency coordination and to discuss issues, expedite comments, foster strong professional partnerships and cooperative working relationships. These professional partnerships will be based on EPA providing substantive, project specific comments and the Corps giving

full consideration to EPA's recommendations as the Corps makes its determination of compliance with the Section 404(b)(1) Guidelines and the decision on the permit application. The procedures will encourage, to the extent appropriate:

a. interagency pre-application consultation with prospective applicants;
b. interagency site visits;
c. interagency meeting(s) with applicants;
d. cooperation in acquiring and conveying site specific information needed by either agency to fulfill its responsibilities;
e. consistent with the time frames setforth in this MOA, an informal process for the timely resolution of issues at the field level to ensure that the permit evaluation proceeds as rapidly as practical.

3. The Regional Administrator will inform the District Engineer, in writing, of the EPA officials who are authorized to provide official EPA comments, including, where appropriate, by category of activity or geographic area. All official EPA comments will be signed by either the Regional Administrator or the designated official or an individual acting for the Regional Administrator or acting for the designated EPA official. Two officials will be designated in EPA Region X to provide for special circumstances in Alaska. Comments signed by any of the above mentioned officials will be considered EPA's response in accordance with Part II of this MOA. Notwithstanding the above, certain actions described in Part IV require the actual signature of the Regional Administrator or Acting Regional Administrator.

4. The Corps will ensure the timely receipt (within 2-3 days from the date of issuance) of public notices by EPA. EPA comments will be submitted in writing during the basic comment period specified in the public notice. To the maximum extent practical, EPA will immediately provide the Corps project manager with a faxed copy of its signed comments. Where the basic comment period is less than 30 calendar days and the situation is not an emergency, the District Engineer (or designee) shall, upon written or electronically transmitted request of an official authorized to provide official EPA comments, extend the comment period to 30 calendar days. An extension beyond 30 calendar days from the date of the public notice, must be requested in writing by the Regional Administrator or designee. The written request must be received three calendar days prior to the end of the basic comment period and must demonstrate the reason for the extension (e.g., a joint coordination meeting occurs near the end of the comment period and EPA needs additional time to prepare substantive comments). The District Engineer or his designee will respond, in writing, within three calendar days of receipt

C.83

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APP-3

of the request letter. If the District Engineer or his designee denies the request for extension within three calendar days prior to the end of the basic comment period, the EPA will have five calendar days from the receipt of the denial letter to submit final EPA comments. The maximum comment period, including extension, will not exceed 60 calendar days, unless sought by the applicant.

5. Consistent with the procedures in Part IV, at the conclusion of the comment period, the Corps will proceed to final action on the permit application. The Corps will consider all comments submitted by EPA pursuant to Part IV, paragraphs 3(a) and 3(b).

6. The Corps may, in certain cases; request additional comments from or discuss issues relevant to the project with EPA after the close of the comment period to either clarify matters or obtain information relevant to the permit decision.

7. Consistent with Part IV, if the District Engineer's decision is to issue the permit over the objections of the EPA Regional Administrator or to issue the permit without conditions recommended by the EPA Regional Administrator, the District Engineer will send a copy of the decision document to the EPA commenting official.

PART III - ELEVATION OF POLICY ISSUES

1. Purpose: The purpose of Part III is to provide procedures for policy issue coordination and resolution.

2. If either agency considers that the nature of an action or series of actions raises concerns regarding the application of existing policy or procedure, or procedural failures in agency coordination, the District or Division Engineer, or Regional Administrator (or designee) may initiate policy implementation review between the District and/or Division Engineer (or designee) and the EPA Regional Administrator (or designee) through written notification. The written notification will describe the issue in sufficient detail and provide recommendations for resolving the issue. The District Engineer or Division Engineer (or designee), depending on the level of the issue, or the Regional Administrator (or designee) will resolve the issue within 60 calendar days of receipt of written notification to initiate policy implementation review.

3. In the context of Part III of this MOA, "resolve" means to review the issue, obtain the views of the requesting party, discuss those views as appropriate, fully consider those

views, and then make the final determination, in writing, regarding the particular resource, policy, procedure, or regulation interpretation.

4. If during consultation, the Regional Administrator (or designee) or the Corps (District Engineer or Division Engineer, or designee) determine the issue cannot or should not be resolved at the field level, or that an issue has broader implications beyond the Division, the RA and Division Engineer will so notify the Assistant Administrator, Office of Water (AAOW) and the ASA(CW), through the Director of Civil Works, respectively, in writing. Such notification will describe the nature of the issue and the reasons why the issue cannot, or should not, be resolved at the District or Division level or Regional level. (e.g., national policy issue) .

5. Either the AAOW or the ASA(CW) may initiate informal or formal consultation concerning unresolved regional issues or national issues by meeting within 30 calendar days of receipt of notification under paragraph 4. above, or within 30 calendar days of receipt of notification of a policy or procedural issue or issues raised directly at Headquarters level. Within 60 calendar days of that meeting, the agencies will agree to provide direction, guidance, or joint guidance (e.g., general guidance on the Section 404(b)(1) Guidelines), where appropriate in response to the issues raised in 4., above.

6. At no time should individual permit decisions be delayed pending resolution of policy issues pursuant to PART III of this MOA. Similarly, changes in policy (i.e., new policies) that occur as a result of PART III should not affect applicants who have submitted a complete permit application prior to implementation of such policy change.

7. Upon resolving a particular policy or procedure, the Corps will determine if the policy is of sufficient importance to warrant public comment. All decisions will be implemented pursuant to the requirements of the Administrative Procedures Act, including public notice and comment rulemaking as necessary.

PART IV - ELEVATION OF INDIVIDUAL PERMIT DECISIONS

1. Purpose: The purpose of PART IV is to provide the exclusive procedures for the elevation of specific individual permit cases. The elevation of specific individual permit cases will be limited to those cases that involve aquatic resources of national importance. For example, cases that do not meet this resource value threshold cannot be elevated under this Part over a dispute concerning practicable alternatives. More specifically, the

elevation of individual permit cases should be limited to those cases where the net loss (i.e., after considering mitigation) from the project (i.e., within the scope of impacts being evaluated by the Corps), will result in unacceptable adverse effects to aquatic resources of national importance. As a basis for comparison, these cases will cause resource damages similar in magnitude to cases evaluated under Section 404(c) of the Clean Water Act. The final decision on the need to elevate a specific individual permit case and any subsequent case specific policy guidance rest solely with the ASA(CW).

2. Because delays associated with the process described within this Part IV can be costly to the regulated public, every effort will be taken to ensure that the process under paragraph 3(b) of this Part will be initiated only when absolutely necessary. Generic issues concerning the use of this Part IV may be elevated by either party using the procedures in Part III.

3. The following procedures will be utilized for the elevation of specific individual permit cases:

FIELD LEVEL PROCEDURES

(a) Within the basic or extended comment period the Regional Administrator (or designee) must notify the District Engineer by letter that in the opinion of EPA the project may result in substantial and unacceptable impacts to aquatic resources of national importance as defined in paragraph 1 of this Part.

(b) For those individual permit cases identified in paragraph 3(a), within 25 calendar days after the end of the basic or extended comment period the Regional Administrator must notify the District Engineer by letter (signed by the Regional Administrator) that in EPA's opinion the discharge will have a substantial and unacceptable impact on aquatic resources of national importance. The opinion will clearly state in detail: (1) why there will be substantial and unacceptable impacts to aquatic resource of national importance as defined in paragraph 1 of this Part and; (2) why the specific permit must be modified, conditioned, or denied to protect the aquatic resource of national importance. The opinion, which should explain how the agency determination was made, should be based on site specific information and relate directly to matters within EPA's authority and expertise. A signed copy of the EPA letter should be immediately faxed to the Corps regulatory project manager.

C84

(c) Notice of Intent to Proceed:

(1) If, following the receipt of the notification in Part IV paragraph 3(b), the District Engineer's proposed permit decision is contrary to the stated EPA written recommendation in paragraph 3(b), the District Engineer will, within five calendar days of his proposed decision, forward a copy of the draft permit and decision document by overnight mail to the Wetlands Division Director.

(2) If, following the receipt of the notification in Part IV paragraph 3(b), the District Engineer believes that his proposed decision resolves the written concerns raised by EPA pursuant to paragraph 3(b), the District Engineer will, within five calendar days of his proposed decision, forward a copy of the draft permit and decision document by overnight mail to the Wetlands Division Director.

(3) Alternatively, if the District Engineer, prior to reaching a decision on the permit (e.g., the final decision is pending resolution of issues not related to the concerns raised by EPA), determines that the project has been modified or conditioned sufficiently so there are no longer substantial adverse impacts on aquatic resources of national importance, the District Engineer will notify the Wetlands Division Director, by letter including such project modifications and/or conditions that resolve EPA's concerns raised in paragraph 3(b).

(d) Within 15 calendar days from receipt of the draft permit under paragraphs 3(c)(1) or 3(c)(2) or notification under paragraph 3(c)(3), the Regional Administrator will notify the District Engineer by faxed letter (signed by the Regional Administrator or the Acting Regional Administrator) that:

(1) the Regional Administrator will not request higher level review; or

(2) the Regional Administrator has forwarded the issue to the AAOW with a recommendation to request review by the ASA(CW).

(e) When the Regional Administrator requests elevation pursuant to paragraph 3(d)(2) of this Part the District Engineer will hold in abeyance the issuance of a permit

pending completion of the Headquarters level review outlined below. Further, the District Engineer will provide CECW-OR and ASA(CW) a copy of the Regional Administrator's letter notifying the District Engineer of the intent to request higher level review.

AGENCY HEADQUARTERS REVIEW (AS NECESSARY)

(f) Within 20 calendar days from the Regional Administrator's letter notifying the District Engineer of the intent to request higher level review (paragraph 3(d)(2)), the AAOW will either:

(1) notify the ASA(CW) that the AAOW will not request further review (the ASA(CW) will immediately notify CECW-OR of the AAOW's decision, CECW-OR will immediately notify the district regulatory chief); or

(2) request the ASA(CW) to review the permit decision document.

(g) Within 30 calendar days from the AAOW's request for review, the ASA(CW), through the Director of Civil Works, will review the permit decision document and either:

(1) inform the District Engineer to proceed with final action on the permit decision; or

(2) inform the District Engineer to proceed with final action in accordance with case specific policy guidance; or

(3) make the final permit decision in accordance with 33 CFR 325.8.

(h) The ASA(CW) will immediately notify the AAOW in writing of its decision in paragraph 3(g) above. The EPA reserves the right to proceed with Section 404(c). To assist the EPA in reaching a decision on whether to exercise its Section 404(c) authority, the District Engineer will provide EPA a copy of the Statement of Findings/Record of Decision prepared in support of a permit decision after the ASA(CW) review. The permit shall not be issued during a period of 10 calendar days after such notice unless it contains a condition that no activity may take place pursuant to the permit

C.85

until such 10th day, or if the EPA has initiated a Section 404(c) proceeding during such 10 day period, until the Section 404(c) proceeding is concluded and subject to the final determination in such proceeding.

Assistant Administrator for Water
Environmental Protection Agency

11 August 1992
Date

Assistant Secretary of the Army
for Civil Works
Department of the Army

11 August 1992
Date

C.86

Sedway & Associates

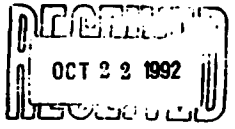
Real Estate Economics

Lynn M. Sedway, CRE

October 19, 1992

VIA FACSIMILE: 381-8285

Mr. Gordon D. Jacoby
Bel Marin Keys Development Associates
P.O. Box 847
Mill Valley, CA 94942



Dear Gordon:

This letter provides a written summary of Sedway & Associates' (S&A) comments to Bel Marin Keys Unit V Draft Environmental Impact Report, dated August 1992 and prepared by ESA. S&A's review was specifically focused on the discussion of the proposed affordable housing program and the fiscal impact analysis.

C-87

In general, we found the EIR to provide extensive and useful information. However, we did encounter some errors or omissions in both areas we reviewed. First, the EIR failed to highlight *the very unique role this project will play in contributing a substantial number of affordable* housing units within the boundaries of a market-rate project. While the County has an Inclusionary Housing Program, the Planning Commission has expressed concern regarding the typical developer preference to pay the in-lieu fee rather than develop the required 10 percent affordable units on site.

O-1

Moreover, based on a September 1992 memo from the Planning Department staff to the Planning Commission regarding "Future Growth Potential," Bel Marin Keys Unit V appears to be one of the few viable opportunities, if not the only viable opportunity, under the County's jurisdiction to achieve a significant number of affordable homes. Most of the other growth areas in the unincorporated areas appear to be infilling of single-family lots which do not require discretionary approval and therefore will not play a role in providing affordable housing. Further, development potential for housing in the incorporated area is also extremely limited, with some possible exceptions in Novato and San Rafael.

Further, the magnitude of the project's affordable housing component, which represents 33 percent of the total project, greatly exceeds the 10 percent requirement established by the County. While the specific program parameters may be modified somewhat, the majority of the moderate-income units are targeted to two populations in particular need of affordable housing: first-time buyers and seniors. Once again, the EIR fails to call out the unique nature of this project in seeking to house some of the County's special needs groups at below-market rate prices.

(cont'd)

Four Embarcadero Center
Suite 720
San Francisco
California 94111

Tel (415) 781-8900
Fax (415) 781-8118

(2 of 8)

Mr. Gordon D. Jacoby
October 19, 1992
Page 2

O-1 cont'd

We were pleased to see that the EIR does point out the critical role this would play toward satisfying the County's identified moderate-income housing needs as established in ABAG's Housing Needs Determinations. Marin County has been unable to meet the housing needs of new residents in general and affordable housing needs in particular. For example, between 1980 and 1990, the housing need projections computed by ABAG indicated demand for 10,518 units. During the decade, only 250 units were built, resulting in a housing shortfall of 2,530, or over *three years of production* based upon recent annual construction rates. This housing shortfall has been further exacerbated in recent years by the economic recession.

N-1

The fiscal impact analysis appears to have two significant errors that result in an understatement of annual project revenues by nearly one million dollars. In the summary of fiscal impacts on page 5.284, annual expenditures include an estimated $744,412 attributable to the Novato Fire Protection District. However, in the summary of annual revenues, the estimated $882,082 in newly generated property taxes that would accrue to the Fire District are omitted. The $1.3 million in property taxes included in the table are those that would accrue to the County's General Fund and are exclusive of property taxes distributed to other servicing districts.

COR

In addition, the "other revenue" category, which totals $214,414 in the EIR summary table, understates that source of annual revenue by $52,279, based on the methodology purportedly utilized in the EIR and detailed on page 5.280. *As indicated in the EIR, the "other revenue"* category was estimated at $80.04 per capita for the 3,332 new residents, which actually totals to $266,693. These two errors understate the project's net fiscal benefits by $934,358. Under the corrected assumptions, the project would yield an annual surplus of $1,189,569, rather than $255,211.

We appreciate the opportunity to have input into the EIR process and hope that the above corrections will be incorporated into the final EIR.

Sincerely,

Lynn M. Sedway

Lynn M. Sedway, CRE
President

LMS:nam

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APP-5

VENTURE CORPORATION

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MARIN COUNTY
PLANNING DEPT.

November 2, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
Civic Center, Room 308
San Rafael, CA 94903

Dr. Susan Ryan, Impact Analysis Section
U.S. Army Corps of Engineers
211 Main Street
San Francisco, CA 94105

C.88

Subject: Bel Marin Keys Unit V DEIR/DEIS

Dear Tim and Susan:

On September 11, 1992, I provided the Chairman of the Planning Commission, Mr. Jerry Friedman, with some of the most basic problems Bel Marin Keys Development Associates (BMKDA) has with the DEIR/DEIS. The following letter, and its attachments, contain a more detailed listing of items we believe warrant clarification in the Final EIR/EIS.

This response has been organized according to the Sections in the DEIR/DEIS.

Summary

PD-1 | 1. The child care facilities are not included as part of the Public Facilities (Page S-2).

ALT-1 ALT-3 | 2. The description of the Alternative Residential Development does not include a habitat restoration and, therefore, has a lower habitat value. Furthermore, this alternative does not include a dredge disposal site, which is extremely important to the operation of the existing Bel Marin Keys (BMK) community.

ALT-1 ALT-3 | 3. The Mitigated Project Design presumes the same number of affordable homes and the same set of expensive transit elements despite radically reducing the number of market rate homes. Such a presumption ignores the financial feasibility of the project. The market rate homes, of course, provide the basic financial means by which the affordable housing and transit components are feasible.

ALT-3 | 4. The Reduced Size Alternative is considered environmentally superior without explaining the rationale for such a judgment. Regional transportation, air quality and energy problems have resulted from the past decade of jobs/housing imbalance in Marin County. These are macro-scale-problems that have been partially addressed in the recent Bay Area '91 Clean Air Plan. According to the Marin County Planning Department report on Future Growth Potential in the County (September 10, 1992 memo), there are extremely limited opportunities to provide new housing. The Final EIR needs to consider these regional impacts in making a decision on "an environmentally superior Project". In addition, the Reduced Size Alternative does not include any habitat creation and would, therefore, have a lower net habitat value than the Proposed Project.

B-2 P-3 | 5. Comments stating that the BMK Unit V project could serve as a precedent for other projects on agricultural diked baylands are speculative and should be deleted (Page S.9). At minimum, this statement must be supported with a few examples of other sites in Marin County that might be approved for development if BMK Unit V was approved.

B-5 | 6. The comment that there would be a "regional reduction of seasonally important feeding, resting and storm refuge areas for migratory waterfowl, raptors and shorebirds" (Page S.10, S.13) is contradicted by analysis presented in both the Habitat Evaluation Procedure and on Page S.36 in the DEIR that the Project would result in a net habitat value increase. There cannot be a regional reduction if there is a net increase in habitat values.

B-5 | The DEIR in many sections fails to acknowledge that the majority of the existing wetlands were created by human disruption through agriculture and/or construction activities. The implied assumption that the present wetland habitat is of a pristine nature is an inaccurate and an unfortunate representation.

E-6 | 7. The DEIR/DEIS makes numerous references to dredging of Novato Creek as if it were a project impact (see S.10). The dredging of Novato Creek is required for flood control and boating of the existing BMK residents. It is needed due to the continuing deposition of sediments from San Pablo Bay brought into the Creek by changing tides. There will be a need for dredging regardless of the size of the project or whether the project includes a lagoon. The FEIR should clarify that point and qualify all statements regarding dredging.

B-13 E-5 | 8. The DEIR provides no evidence that there is significant water quality deterioration or reduction in biological values in Novato Creek as a result of existing boating. Therefore, the DEIR is highly speculative in making a finding that there would be a significant decrease in biological resource values within the Creek as a result of the project (S.10).

COR | 9. The FEIR should clarify that any reduction in the level of service at the Alameda Del Prado/southbound Highway 101 ramps would primarily be caused by a Hamilton project (Page S.11). See evidence on Page S.16.

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APP 3,41

ATTACHMENT 4

APP-5

A-2 10. The Bayfront Conservation Zone did not clearly established "preferred land uses" as implied on Page S.12. When the BCZ was adopted by the Board of Supervisors, the legislative record, provided by the Final EIR, clearly established that the intent of that zone was not a decrease or down zone residential property.

B-5 11. The DEIR has a distinctly anti-lagoon bias regarding a lagoon's value for habitat (S.13, S.21, S.30). Such a position disregards the assignment of a relatively high Habitat Suitability Index values to lagoons for diving water birds and wintering dabbling ducks. In so doing, the document gives little credit to the habitat value for migratory waterfowl use of standing water. The authors must have assumed constant disruption of lagoon waters throughout the 24 hour day and throughout the year. This ignores that fact that there is less boating use in the late fall, winter and early spring during the prime migratory periods. It also ignores that resting areas are used from sunset to sunrise when there is less human activity.

B-5 12. Whereas the document indicates the potential filling of 116 acres of Corps defined wetlands, it provide little recognition of the precedent setting replacement ratio of 6:1 (Page S.13). Moreover, the DEIR does not qualify the existing wetlands as having low value during most normal circumstances.

C-89

F-1 13. We believe that the authors interpretation of the consistency of the Clean Air Plan to ABAG estimates is in error (Page S.14). See attached October 30, 1992 letter from Michael Wilmar.

M-2 M-3 14. We would challenge the assertion that the oat hay loss is a significant impact based on information provided on Page 5.261 regarding oat hay production in the three-county region. Moreover, we believe that Solano County, which is a major hay producer and which is normally considered in the North Bay, should have been included in the analysis.

A-2 15. The concern with the consistency with policies regarding the preservation of agriculture ignores other Countywide Plan inconsistencies (Page S.21). The use of agriculture land for flood control protection is one such inconsistency. Such flooding will kill the crops and destroy the value of the land with brackish or salt water. It also ignores that the conflicts between maximum habitat values and agriculture values.

C-2 16. We are unaware of any communication from the Caltrans staff indicating that the Hamilton Drive extension may not be feasible (Page S.23). See October 27, 1992 letter from Caltrans to refute that point.

C-1 17. Our Master Plan proposal does not indicate that there will be one ferry trip each direction (Page 23). The proposal indicates that there will be one trip during initial operation. The proposal goes on to say that there would be a second trip providing there is sufficient demand. See Master Plan Addendum, August 31, 1990, Page 14.

B-1 18. The comments on Page S.25 regarding the U.S. Environmental Protection Agency and the U.S. Fish and Wildlife Service are legally irrelevant to the DEIR/DEIS and should

B-1 be deleted. The Corps has rejected the EPA interpretation of the extent of Corps' jurisdiction under Section 404.

B-3 19. Impact B.4 indicates a second access from State Route 37 to Bel Marin Keys Boulevard would result in habitat losses and would isolate habitat areas (Page S.32). This is an overstatement since the preferred alignment is under PG&E power lines and adjacent to a bike path. DEIR Page 5.19 indicates wildlife habitat along this route is relatively disturbed and would not likely support populations of salt marsh harvest mice.

B-3 20. The construction of the new flood control levee (bypass channel) would not disturb the existing tidal salt marsh (Page S.39). It would be constructed in grazing field adjacent to the Creek, not on the tidal side of the Creek.

N-2 21. The costs to the BMK Community Services District would not exceed the revenues based on cost and revenue projections prepared by BMKDA and reviewed with the CSD General Manager (Page S.69). That information should be included in the Final EIR.

Alternatives

ALT-3 22. No Project Alternative Significant negative impacts of this alternative are not reported including (a) no increase in habitat value and (b) regional transportation, air quality and energy impacts due to increased long-distance, in-commuting to Marin caused by jobs/housing imbalance.

ALT-3 23. Alternative Residential Development Impacts not reported include: (a) no increase in habitat value, (b) no new flood control improvement since a 3:1 flood control easement would be possible, (c) air quality problems due to agriculture dust and control burns, (d) no dredge disposal site, and (e) increased BMK CSD cost since no dredge disposal site. Additionally, what is the consistent logic of asserting that this alternative would "deter urban development from expanding eastward in north Marin" while the project would not. Existing and future adopted land use policies, heavily influenced by anti-growth sentiments, will determine the location of new development.

ALT-1 ALT-3 24. Alternative Mix/Type of Use This is an extremely difficult alternative to envision. It is not clear how lagoons can be created without alteration of the wetlands (i.e. no removal of drainage ditches). Would these lagoons be connected by some drainage system tied to Novato Creek? If not, how would they maintain water quality. The lagoons would most likely be too small to generate sufficient fill to elevate the building pads above the required FEMA level. Therefore, there would be a need to import fill. Finally, without the commercial center, there would be more external trips thereby causing increased traffic problems on BMK Boulevard and increased energy consumption.

ALT-1 ALT-3 25. Mitigated Project We question how the wetland fill area could be reduced. The construction of the lagoon would still involve changing some of the drainage ditches. We strongly disagree with the no power boating elements. Finally, the so-called "marina" is actually boat slips for residents who do not have boat docks behind their homes. The

APP-5

ALT-1 ALT-3 existing BMK community has such slips and we are not aware of any significant problems caused by their slips.

ALT-3 26. Open Space/Agriculture The comment regarding a "down zoning" not constituting a "taking" is highly speculative and adds little to the DEIR. We would certainly, at the appropriate time, dispute that claim. The impacts of this alternative include: (a) no increase in habitat value, (b) no new flood control improvement since a 3:1 flood control easement would be possible, (c) air quality problems due to agriculture dust and control burns, (d) no dredge disposal site, (e) increased BMK CSD cost since no dredge disposal site and (f) regional transportation, air quality and energy impacts due to increased long-distance, in-commuting to Marin caused by jobs/housing imbalance.

ALT-1 ALT-3 27. Status Quo We believe that a Status Quo alternative should include a golf course since they are permitted in the current zoning (see DEIR Page 5.4). The impacts of this alternative include: (a) significant fewer affordable homes, (b) fewer transit components, (c) no dredge disposal site, and (d) air quality problems caused by the agricultural use.

C-90

ALT-1 ALT-3 28. Reduced Size - The impacts of alternative should include: (a) no increase in habitat value, (b) no new flood control improvement since a 3:1 flood control easement would be possible, (c) air quality problems due to agriculture dust and control burns, (d) no dredge disposal site, (e) increased BMK CSD cost since no dredge disposal site, (f) regional transportation, air quality and energy impacts due to increased long-distance, in-commuting to Marin caused by jobs/housing imbalance, (g) few affordable homes, (h) no school or child care center, and (i) no transit components. The FEIR should indicate whether this alternative is consistent with the housing inventory included in Marin County's State-accepted Housing Element.

Conformance with Plans

A-2 29. The FEIR should discuss how many homes were assumed on the BMK Unit V property by the State-accepted Housing Element.

A-2 30. Policy A-1 (Page 4.13) This review discounts the habitat value of the lagoon even though the HEP and the DEIR indicate relatively high HSI values for the lagoons.

A-2 M-2 31. Policy A-6 (Page 4.16) The FEIR should provide further evidence that oat hay farms must have 500 acres to be viable.

A-2 B-5 32. Policy A-10 (Page 4.17) The Project would significantly increase marine life. Such an addition should not be overlooked.

A-2 B-5 33. Policy C 1.1 (Page 4.28) calls for the enhancement of diversity of wildlife. The Project would result in such diversity. Yet, Impact B-2 (Page 5.36) and Mitigation Measure B.5 seems to discourage such diversity. There appears to be some inconsistency between the Policy, the impact and the mitigation measure.

A-2 O-2 34. Policy C 1.4 (Page 4.29) The FEIR should provide the legislative history of this policy from the BCZ FEIR regarding how enactment of that ordinance would not reduce the supply of housing.

A-2 35. Policy C 3.1 (Page 4.30) This policy states the agriculture lands in the BCZ play an integral role in other dairy operations. Furthermore, "such agricultural lands could consist primarily of grazing operations". Why is this a "Class I inconsistency" when the lands are not highly integrated with dairy operations nor are they grazing lands?

A-3 36. Bel Marin Keys, including Unit V, is not located in the Sphere of Influence of the City of Novato. Therefore, the City of Novato General Plan has no legal status regarding land use or other community development policies regarding this area. The section regarding the City of Novato General Plan should therefore be omitted.

B-1 37. The statement with respect to the authority of the EPA to "veto" actions by the Corps of Engineers is incorrect. The only "veto" authority the EPA has is to undertake a proceeding under Section 404 (c) of the Clean Water Act and declare the site of a discharge approved under a Corps permit to be a no discharge site.

B-1 Furthermore, the EPA section needs to be updated to indicate that the Corps has not accepted the special guidance as well as has rejected the EPA interpretation of the extent of the Corps' jurisdiction on the site under Section 404.

Biology

B-5 38. Impact B.2 (Page 5.36) The DEIR asserts the regional reduction in habitat for shorebirds, water fowl and raptors. There is absolutely no evidence provided in the DEIR for this conclusion. Quite to the contrary, the HEP analysis and the DEIR indicate that there would be a net increase in habitat value for dabbling ducks, diving ducks and shorebirds. This would be permanent habitat that is available either throughout the year or at critical times as compared to today's oat hay farm that is only of value for migratory birds, for brief times, following extremely heavy rains. Such wet conditions were non-existent over the past six to seven years. The Final EIR should acknowledge that fact.

B-3 39. Impact B.4 (Page 5.38) regarding habitat values on land proposed for the Hamilton Drive extension to Highway 37 overstates the impact. As acknowledged elsewhere in the DEIR (Page 5.19), this is an area with extremely low habitat value because it is located in or adjacent to either the PG&E facilities or the railroad line/bike path.

Water Quality

ALT-3 40. The DEIR accurately describes the poor water quality in the drainage ditches. Nevertheless, it does not describe that impact, and its effects on wildlife, for those Alternatives that include a substantial amount of agriculture.

APP-5

C-91

Air Quality

F-1 41. The DEIR overstates the relationship of ABAG projections to the 1991 Clean Air Plan. Please see attached letter from Mike Wilmar dated October 30, 1992.

F-4 ALT-3 42. The DEIR fails to report that the Port Sonoma-Marin ferry is specifically called out as a component of the 1991 Clean Air Plan (See TCM#7 - Improve Ferry Service). The Final EIR should indicate which of the alternatives would not permit the financing of the ferry and thereby be inconsistent with the 1991 Clean Air Plan.

F-4 43. The DEIR did not indicate that the proposed community shuttle would be a good example of a bus feeder system that is specifically encouraged in the Clean Air Plan. (See TCM#5 - Improve Access to Rail and Ferries.)

Geology

44. Please see attached letter from Oberkamper & Associates dated October 2, 1992 regarding Geology section.

Visual Impact

H-4 45. Visual Impact H.2 (Page 5.216), which calls for the provision of view corridors in the site design, is inconsistent with the Bel Marin Keys community desire to have homes lining the entire shoreline in order to provide additional security. That conflict should be explained in the Final EIR.

Energy

I-2 46. The Final EIR should report that the project sponsor has agreed to a unique energy program with Pacific Gas & Electric. That program is outlined in the letter submitted to the Planning Department by Pacific Gas & Electric.

Traffic

47. See attached letter from Barton Aschman Associates regarding corrections needed to the traffic section.

C-2 48. The traffic section should include a brief discussion of the PSR, including its proposed alignment prepared for the Bel Marin Keys/Ignacio interchange and the Highway 37 connection. That discussion should specifically include the connector road between the Hamilton property and the Bel Marin Keys Unit V property. The Final EIR should explain the role of the City of Novato with the PSR.

Agriculture

M-2 M-3 49. The Final EIR should include the hay production of Solano County which is considered in the North Bay farming region and within a short travel distance of Marin County.

A-2 50. The Final EIR should discuss the Countywide Plan policies that conflict with agricultural use on the property. Such conflicting policies include (a) creation of maximum habitat values in agricultural areas, (b) use of the property for flood control which would kill any existing crops as well as damage the soil, (3) water quality problems in the drainage ditches, and (d) the air quality problems caused by dust as well as controlled burns.

Public Safety

ALT-4 51. The Final EIR should consider the attached two diagrams. The diagrams indicate alternative methods of reducing the size of the peninsulas and placing the homes on the perimeter roads. The purpose of these alternatives is to respond to community desires to have greater security on the lagoons and large areas for boating.

Fiscal

52. Please see comments regarding errors in the Fiscal section that are contained in the attached letter from Sedway & Associates.

N-2 ALT-3 53. The Final EIR should analyze and indicate the financial value of the dredge disposal site to the Bel Marin Keys CSD. The Final EIR should indicate the additional dredging cost that the CSD would bear under those alternatives that do not include an area for an expanded dredge disposal site.

Housing

54. See comments on housing contained in the attached letter from Sedway & Associates.

Thank you for considering the above listed items in the Final EIR/EIS.

Yours very truly,

Gordon Jacoby, AICP
Vice President of Development
Bel Marin Keys Development Associates

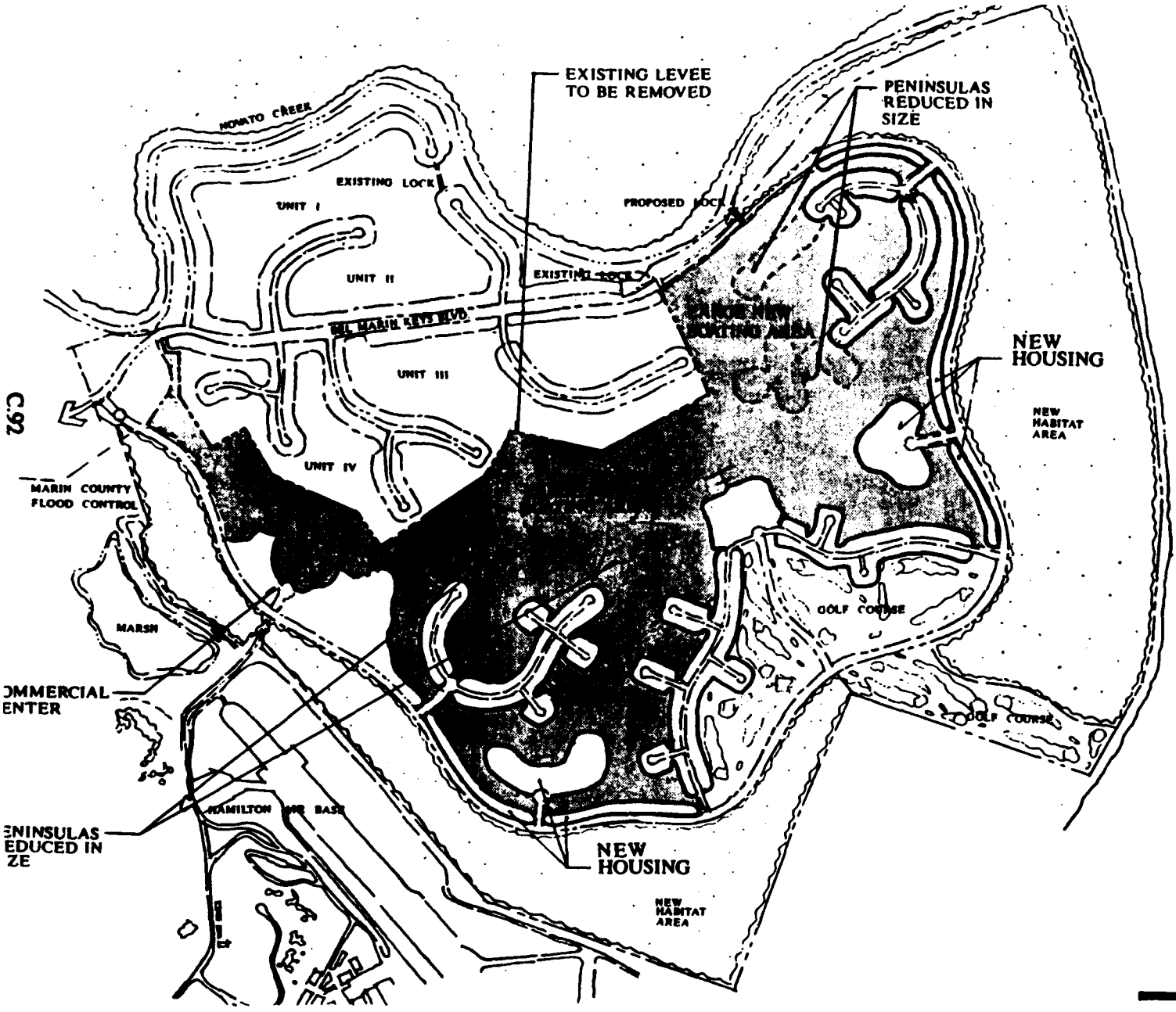


DIAGRAM 1

PLAN DESCRIPTION: THE UNIFIED LAGOON

In the plan now being reviewed by Marin County, open "view corridors" were planned along the new main boulevard with all homes to be built on peninsulas. In the revised plan to the left, the view corridors would be replaced by new homes to eliminate access to the lagoon. The size of the peninsulas in the northeast and southwest sections would be greatly reduced to create large new community water skiing areas. The Unit V lagoon system would add more than 400 acres of new lagoons -- Bel Marin Keys Units I - IV has a total of 271 acres of lagoons.

ADVANTAGES:

- Water ski areas in Units I through IV would not be impacted by Unit V.
- Large new ski areas would be created in Unit V.
- Community security would be assured by preventing public access to the lagoons.
- Boat access to shopping and the Social Center would be most convenient for all Bel Marin Keys residents.

DISADVANTAGES:

- New boating regulations may be needed for the expanded lagoon system.
- Unit V residents could boat into Unit III - IV lagoon areas.

DIAGRAM 1: THE UNIFIED LAGOON

BEL MARIN KEYS

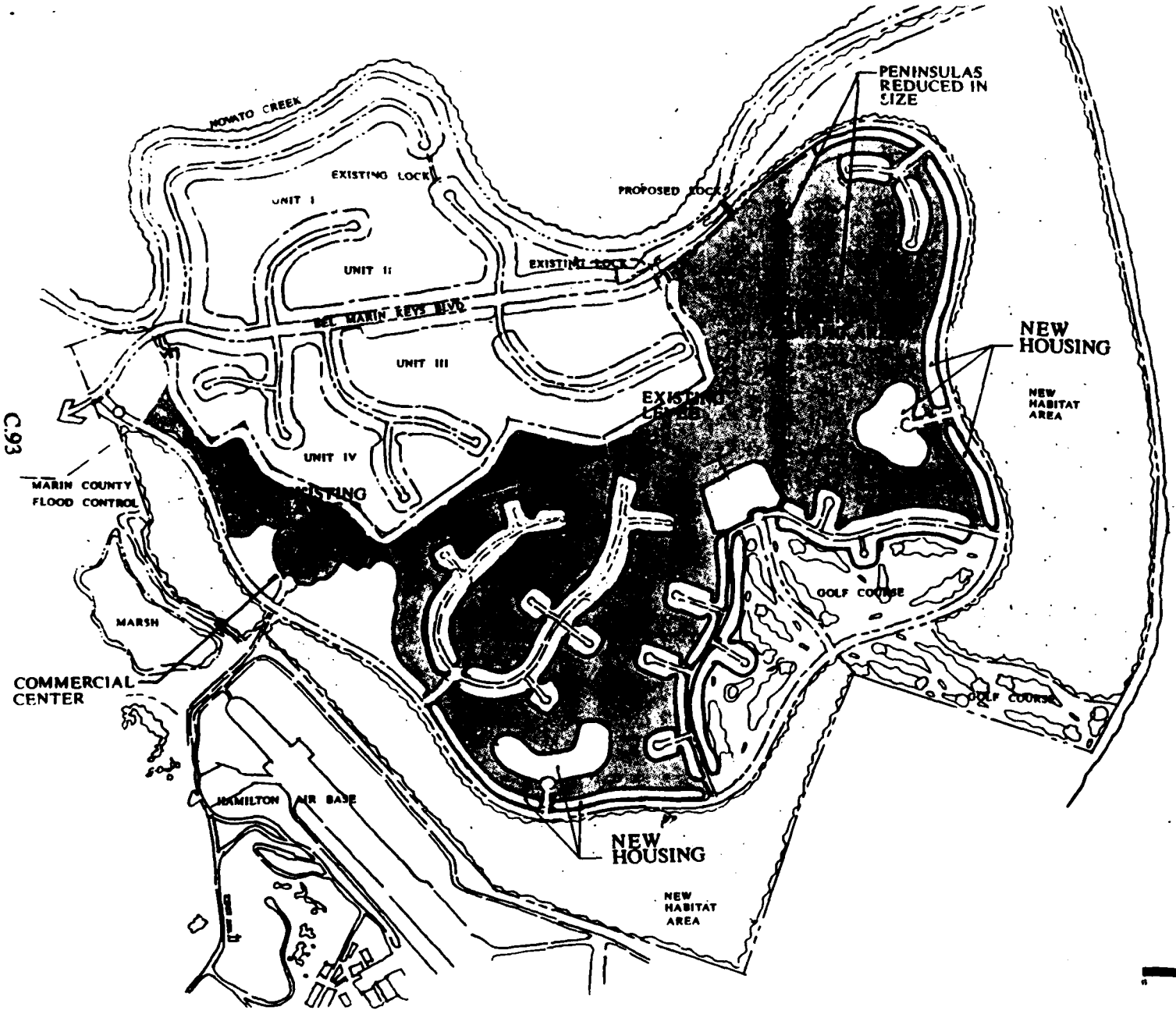


DIAGRAM 2

PLAN DESCRIPTION: THE SEPARATED LAGOON

In this plan, the existing levee south of Units III and IV would not be removed. A new and separate lagoon of more than 400 acres would be built on the south side of the levee. A new lock to be built east of the existing Bel Marin Keys Blvd. lock would provide access for Unit V residents to Novato Creek. The new Unit V lagoon would be maintained separately from the Unit III - IV lagoon. The existing levee would be available to all Bel Marin Keys residents for a private hiking trail.

The dotted line areas are the locations of peninsulas in the plan now under consideration at Marin County Planning Department. In this revised plan, peninsulas would be shortened and homes would instead be built along the new main boulevard. This would eliminate public access to the lagoon and create large new water skiing areas.

ADVANTAGES:

Water skiing areas in Units I - IV would not be impacted.

Large new skiing areas would be created.

Community security would be assured by building homes along the main boulevard.

Unit V would have a new, separate lock to access Novato Creek.

DISADVANTAGES:

Boat access to the new Unit V lagoon, Social Center and shopping would be inconvenient for Unit III and IV residents.

Unit V might develop a separate identity from Units I through IV.

DIAGRAM 2: THE SEPARATED LAGOON

SCALE IN FEET

BEL MARIN KEYS V

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NOSSAMAN, GUTHNER, KNOX & ELLIOTT

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November 2, 1992

REFER TO FILE NUMBER

Lt. Colonel Leonard E. Cardoza
United States Army Corps of Engineers
San Francisco District
211 Main Street
San Francisco, CA 94105
Attention: Regulatory Functions Branch

Re: Bel Marin Keys Development Associates

Dear Colonel Cardoza:

This is in response to a letter from Deanna Wieman, Director of External Affairs of the United States Environmental Protection Agency ("EPA") dated October 9, 1992. Ms. Wieman's letter comments on the Draft Environmental Impact Statement ("DEIS") for the proposed development of Bel Marin Keys Units V Novato, California.

In her letter, Ms. Weiman argues, among other things, that the project, as proposed would violate the statutory requirements of Section 176(c) of the Clean Air Act (42 U.S.C. § 7506(c).) As you are aware, Section 176(c) was included among the 1990 Clean Air Act amendments to prohibit federal agencies, departments or instrumentalities from licensing, permitting or approving any activity that does not conform to an approved State Implementation Plan.[1] In

C.94

[1] The Clean Air Act requires each state to prepare a State Implementation Plan ("Implementation Plan") that sets forth a plan to attain certain air quality standards or NAAQS by certain statutory deadlines. In essence, the Implementation Plan created by each state and approved by the EPA is intended to set forth the strategy the state plans to take in order to attain and maintain the NAAQS. However, for those areas that were too polluted to attain standards by the statutory deadline, Congress created so-called nonattainment plans that were to attain the standards by a later date. (42 U.S.C. §§ 7501 - 7506.) The nonattainment plans contain stringent air pollution control measures and impose substantial penalties against nonattainment areas that do not properly administer their plan or attain the federal air quality standards by the statutory deadline.

The San Francisco Bay Area has never met the statutory deadlines and has been designated by EPA as a nonattainment area for carbon monoxide and ozone. The Bay Area Air Quality

order to assist agencies and project sponsors seeking to comply with the statutory requirements of Section 176(c), the amendments also require EPA to issue by November 15, 1991, implementing regulations that will guide and direct agencies and project sponsors in carrying out a conformity analysis.

To date, EPA has failed to meet this statutory mandate and publish the required regulations. Accordingly, agencies and project sponsors attempting to satisfy the conformity requirements of Section 176(c) often rely on inaccurate and obsolete guidelines and data for their analysis. It appears that both the consultant that prepared the DEIS and the EPA have fallen into this trap and therefore have erroneously concluded that the project, as proposed, does not meet the conformity requirements of Section 176(c).

F-1

The air quality section of the DEIS states that the air quality analysis is premised on the "thresholds of significance" that are set forth in the Bay Area Air Quality Management District's Air Quality and Urban Development Guidelines for Assessing Impacts of Projects and Plans published in November 15, 1985 ("1985 Guidelines"). Included among the significance thresholds cited by the DEIS and endorsed by the EPA is a test that is supposed to measure a project's consistency or conformity with the Bay Area Clean Air Plan, which is the Bay Area portion of the State Implementation Plan. The 1985 Guidelines described this threshold test as follows:

> There is still another way in which a project or plan may be judged to be of significant effect. If the population or employment projections for the sub-region--as compiled in PROJECTIONS 83 or PROJECTIONS 85 by the Association of Bay Area Government--would be exceeded because of the project or plan, there could be a finding of "lack of consistency or conformity with the Bay Area Air Quality Plan." That is, in itself, equivalent to a finding of significant adverse effect. Therefore mitigations should be introduced, alternatives chosen, or the project or plan denied local approval--unless, of course, the local governing body finds and issues a statement that there are overriding considerations, i.e., reasons to approve the plan or project even though even though it violates air quality standards.
>
> (1985 Guidelines at VIII-3.)

Management District ("BAAQMD") had adopted a nonattainment plan to attain the federal standards.

The DEIS bases its analysis of this significance test on whether the project site has been rezoned to allow increased population density from the density restrictions in existence at the time ABAG made its projections. The DEIS assumes that simply because the zoning designation has been changed since ABAG made the population projections cited in the Guidelines, then the proposed project by definition does not conform with the Clean Air Plan because population levels are increased beyond projected ABAG estimates.

According to conformity analysis experts at both BAAQMD and ABAG, this interpretation of the Guidelines is absolutely inappropriate and incorrect. Based on discussions with Joe Steinberger of BAAQMD, ABAG and BAAQMD discourage the use of this threshold test altogether because it is subject to misuse and can lead an analyst to the incorrect conclusion that a project is inconsistent with the Clean Air Plan. According to Mr. Steinberger, comparing the zoning at the time ABAG prepared the population projections with the current zoning is inappropriate except on the regional level. In other words, using such data comparisons may be acceptable when assessing the conformity of a General Plan to the Clean Air Plan. However, it is incorrect to assume that just because a parcel is rezoned to permit greater population density than was allowed when ABAG prepared its projections, the project, by definition, shall produce emission levels that will be inconsistent with the Clean Air Plan. Mr. Steinberger believes (and apparently Janet McBride of ABAG concurs) if population estimates are used in a conformity analysis, the analyst must take into account regional population trends to assess whether the region as a whole is in fact increasing in population density.

F-1 cont'd

In addition, Mr. Steinberger warns that BAAQMD will not accept as valid any air quality analysis that does not rely on ABAG's most recent projections which in this case would be the 1992 projections. Indeed, Section 176(c) itself requires that only the most recent estimates of emissions, population employment travel and congestion should be used when making the conformity determination. (42 U.S.C. 7506(c)(1).) Even the 1985 Guidelines themselves state that "ABAG cautions those who would use the projections" as their reliability in gauging future emissions is questionable. (Guidelines X-2.) For these reasons, as soon as EPA issues its regulations, BAAQMD plans to issue new guidelines that will, in its view, more accurately determine whether a project is consistent with the Clean Air Plan.

Based on the above, we respectfully request that the consultant clarify redraft the conformity component of the air quality analysis.

C.95

As a general comment, we wish to add that the EPA's comments on the air quality analysis distort and misinterpret the conclusions reached in the DEIS. For example, the EPA in its letter states:

> The DEIS acknowledges that the proposed project would cause or contribute to an increase in the frequency of eight-hour standard violations.
>
> (EPA Comments on Bel Marin Draft Environmental Impact Statement at 2.)

F-1

While the DEIS does acknowledge that the project may raise the ambient carbon monoxide concentration levels, the analysis concludes that "no violations [of the eight-hour standard] are projected to occur after 2002 under any conditions." DEIS at 5.178, emphasis added.) Finally, the EPA comments completely ignore the project's mitigation component which are an integral part of the project sponsor's strategy to minimize the project's impact on air quality. As you are aware, the project includes the construction of several public transit improvements, such as shuttle and ferry services, that will, when operational, reduce regional congestion and existing emission levels.

We respectfully request that the comments are included in the public record for the environmental review of this project.

Very truly yours,

/ Michael B. Wilmar

Michael B. Wilmar of
NOSSAMAN, GUTHNER, KNOX & ELLIOTT

APP-7

VENTURE
CORPORATION

RECEIVED BY
... 8 1 2 23
... CP

C.96

September 11, 1992

Mr. Jerry Friedman, Chairman
Marin County Planning Commission
Civic Center, Room 319
San Rafael, CA 94903

Dear Chairman Friedman:

The purpose of this letter is not to provide a detailed listing of specific items that require modification or clarification in the Bel Marin Keys Unit V DEIR/DEIS. That list will be provided next week to Tim Haddad, the Environmental Coordinator. Instead, this letter addresses a fundamental problem that appears in many circumstances and on many pages throughout the DEIR that we believe warrant correction in the Final EIR/EIS. The source of this problem is truly the conundrum faced by the DEIR authors in evaluating the Unit V project against the numerous complex and often competing policies contained in the Countywide Plan.

Of historical importance, we have already been through one County-directed effort to find an acceptable balance for the Unit V project. In 1985, we withdrew our application at the Administrative Draft EIR/EIS stage to redesign our project along the lines offered as the "Mitigated Alternative". Of course, that alternative reflected the same form of analysis, applying the exact same policies, for the same property. Our current Unit V project proposes less total housing, less commercial space, more public facilities, greatly more total affordable housing and greater habitat area than was recommended in the 1985 Mitigated Alternative.

A-2

Like the consultants before, the current DEIR authors, in their reporting of the impacts and analyzing the alternatives, must define a balance among competing County priorities. The Countywide Plan forces a complex weighing of environmental and social choices. Unfortunately, the Plan policies do not provide explicit guidance as to how the various acceptable uses should be balanced.

The difficulty with the Countywide Plan policies is that one policy can be interpreted in isolation or out of context with other potentially conflicting policies. Under this circumstance, it is relatively easy to find environmental conflicts or impacts. Nevertheless, a DEIR is a document that forces the authors to make unambiguous findings on policies that often defy such interpretation. Let me give you a few important examples.

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Biased or Unsupported Statements

A-2 cont'd

Our most fundamental disagreements with the Unit V DEIR authors are when they make either narrow or biased interpretations of the Countywide Plan policies. The following are examples of such interpretations taken exclusively from the Summary Section concerning "Significant Environmental Effects of the Proposed Project That Cannot be Avoided". Such findings are, of course, some of the most important conclusions reached in the DEIR.

A-2

DEIR Finding Page S.12 - "The proposed Project would result in urban development on Bayfront Conservation Zone lands where the preferred land uses are agriculture, tidal restoration, and habitat protection and restoration."

Response: Nowhere in the Countywide Plan is there such a clear statement of preferences. The preferred land uses listed in Policy C-1.4 include: restoration to tidal status, agriculture, flood basin, public access and recreational opportunities, education and scientific opportunities, provision of housing, provision of essential water conveyance, transportation, or utility services and protection from flood or other natural hazards. The DEIR finding is highly selective in its language and entirely omits most of the other preferred uses. This DEIR comment excludes housing as a preferred use.

Furthermore, the Unit V DEIR does not highlight a fundamental policy discussion that took place during the adoption of the Bayfront Conservation Zone. The deliberations are clearly documented in the BCZ Final EIR. When the BCZ was created, urban development was clearly contemplated. Clear statements appear in the Final EIR that the total number of potential homes would not be reduced as a result of the new zone.

A-2
B-4
B-5

DEIR Finding Page S.13 - "Viewed from the standpoint of compatibility with existing and planned adjacent and near-by land uses, development of the BMKS Master Plan would in residential, commercial, and open space recreational uses that are both compatible and incompatible. Potentially incompatible uses include regional agriculture and wildlife habitats ..."

Response: This finding concerning compatible uses makes absolutely no mention of the 624 acres of new, highly productive habitat to be created as part of the Unit V project. This habitat restoration is the largest contemplated on private land in the Bay Area. This conclusion does not report, as indicated on Page 5.36 in the DEIR, that the proposed Project would result in net increases in habitat units for migratory shorebirds, dabbling ducks, herons/egrets and diving water birds. When analyzed on a Bay Area environmental context, the creation of habitat for these species is of the greatest importance.

A-2
B-4
B-5

Furthermore, the DEIR treats the new lagoon as "developed" open space thereby implying that the large waterways have little habitat value. However, Tables 5.B.2 and 5.B.6 indicate that the lagoon will have substantial habitat value, particularly as compared to today's dry farm. In fact, the DEIR provides only minimal discussion regarding the limited habitat value of agricultural land (see 5th paragraph Page 5.13,

APP-7

Tables 5.B.2 and 5.B.6) leaving the reader to infer, from the lack of comparable analysis, that agriculture and habitat are compatible uses.

DEIR Finding Page 5.13 - "The conversion of diked baylands to residential and urban uses would result in a regional reduction of seasonally important feeding, resting, and storm refuge areas for migratory waterfowl, raptors and shorebirds. Although increases in the value of the site to some species would occur, this increase would come at the expense of other species."

B-5 **Response:** This finding is completely contradicted by statements elsewhere in the DEIR, as reported above. The proposed Project will result in net increases for waterfowl and shorebirds.

Furthermore, the DEIR finding regarding a change in bird species types is highly misleading. Any shift in habitat vegetation from agriculture and toward a mud flat or tidal cover type, as encouraged in the Countywide Plan, will result in a change in bird species. Why is this a negative impact since it is exactly what the Countywide Plan proposes?

C-97

DEIR Finding Page 5.14 - "The proposed Project would convert to other uses agricultural land that is considered farmland of local importance. With proper soil management and irrigation, the land could be considered prime agriculture land."

Response: Conversion of this site from oat hay to wildlife habitat, as encouraged in the Countywide Plan, will, of course, reduce its agricultural value.

A-2 M-1 B-4 B-5 Moreover, the term "proper soil management" is another expression for continuous plowing of the property and adding large volumes of lime to counteract the high salt content in the soil. Such plowing and soil enrichment is incompatible with the creation of high value habitat. Furthermore, chemical fertilizers would be required to maximize the potential of this land. This could result in a winter chemical runoff in the Bay.

Finally, the flooding the site with the brackish water from Novato Creek, as provided for in the Countywide Plan flood control policies and the F2 zoning, would also destroy the soil's value for farming. The DEIR should have highlighted the inherent conflicts between agricultural practices, wildlife habitat and flood control.

In fairness to the DEIR authors, there are instances in the DEIR where they have pointed out how the project can be considered either compatible or incompatible with the Countywide Plan. Unfortunately, as demonstrated with the above examples, there are also many instances where the authors have made definite findings that are not supported by the analyses .

Countywide Importance of Affordable Housing

O-2 The DEIR contains only two brief paragraphs of analysis regarding the "Housing Needs and Affordable Housing". The DEIR's greatest shortcoming on this topic is that it fails to adequately analyze the importance of the Unit V affordable housing within a Countywide

O-2 cont'd context. Where are there comparable opportunities to create such a large supply of affordable housing and what are the relative constraints in those locations? Over the last three to four years, there has been a virtual moratorium on housing in most of the County. Information is available to the DEIR consultants that indicates how far each Marin County jurisdiction is behind in satisfying their fair share of the housing requirement. The DEIR needs to provide the same level of information on housing as is provided for other potentially competing uses permitted in the BCZ.

Conclusion

The Countywide Plan policies require a balancing of potentially competing land uses. The Unit V project presents one such balance. The DEIR provides another sets of ideas through its mitigation recommendations and alternatives. Over the past two years, we have actively sought out other ideas and improvements from the Bel Marin Keys community, housing advocates, wildlife and habitat specialists, energy experts and transit supporters. We are anxious to explore and incorporate many of these findings or new ideas in a revised plan. We would simply ask that the DEIR/DEIS be improved to reflect the complexity of achieving a workable balance.

Yours very truly,

Gordon D. Jacoby, AICP
Vice President of Development
Bel Marin Keys Development Associates

5. Private Organizations 

b 09/11/1992 14:06 415-453-3822 V.CANBY PAGE 02

OG-1



Hamilton Reuse Committee
Building 501, Hamilton Army Airfield, Novato, CA 94949
415-382-1556

RECEIVED BY
92 AUG -1 A 11:57
MARIN COUNTY
PLANNING DEPT.

Wednesday, 24 July 91, 1502 PDT

Tim Haddad,
Environmental Coodinator
Planning Department, Marin County
Civic Center
San Rafael, California 94903

Dear Sir,

With reference to your request for comments regarding the scope of the planned EIR/EIS for Bel Marin Keys project No. 5, we submit the following:

C98

1. Hamilton Army Airfield is currently in use by at least the U.S. Army and the U.S. Coast Guard and has therefore acquired certain prescriptive easements in the airspace over the proposed project. See Deonnan v. Ventura (1974) 38 CA 3d 84, 112 CR 907. Furthermore, since California law prohibits development within the 65 dB CNEL contour around an airport, the proposed layout appears to violate said law.

CN 2. Although NAAP is planned to be excessed in 1995, it is unsettled as to whether the Coast Guard will remain and continue to use the airfield which would, again, preempt the use of the adjacent property for residential uses.

3. The Hamilton Reuse Committee is formulating a plan for reuse of the to-be-excessed airfield property which would include such uses as recreation, aviation and wetlands restoration; each of these uses may impact the proposed project, and the proposed project may well impact the proposed uses.

B-11 4. Absent other proposals, current Novato City law will grant jurisdiction over the airfield portion of NAAP to the U.S. Department of Fish and Wildlife when excessed with the apparent intention to create twice-daily-flooded wetlands; the Planning Department must address the extent this proposal will impact the project and the project impact the proposed wetlands.

Very truly yours,

James Richmond, President
Hamilton Reuse Committee

JLR/mpc

16

OG-2

BLACK POINT IMPROVEMENT CLUB

BLACK POINT, CALIFORNIA

RECEIVED BY
92 NOV -3 P 1:12
MARIN COUNTY
PLANNING DEPT.

427 Grandview Avenue
Novato, California 94945

October 31, 1992

Mr. Tim Haddad
3501 Civic Center Drive #308
San Rafael, California 94903

Re: Bel Marin Keys, Unit 5

Dear Mr. Haddad:

We have several concerns regarding the draft Eir for this project.

C-1 A-3 1. The use of Port Sonoma was cited as a mitigation for increased traffic, but the implications of using the port were not explored. Since the *Sonoma County* Wide Plan was not listed as a source document, it would appear that the consultants did *not review* it. The obvious question is what impact the use of the port would have on traffic on highway 37, especially for entrance and exit to the port.

C-2 2. The implications of connecting the project with highway 37 were not fully explored, especially with respect to the use of flood plain and the impact on highway 37. That impact should include the portion of highway 37 that is in Sonoma and Solano counties, the use of which has increased rapidly over the last several years.

D-1 3. Just the concept of such massive amounts of fill to provide a site for building homes in an earthquake prone area is of concern. Also of concern is the amount of time it will take for the filled site to drain and be compacted to prevent settling after the homes are built.

Very truly yours,

C. Henry Barner
President

(a)
(a1)

OG-3

American Farmland Trust 1920 N Street, NW Suite 400 Washington DC 20036 (202) 659-5170

May 10, 1991

Gail Wilhelm
21 Hayes Street
Novato, CA 94947

Dear Gail,

Per your inquiry on behalf of the Sierra Club Marin Group recently, I am writing to express my thoughts regarding the productivity of the 1600 acres of land located between Hamilton Air Force Base and the community of Bel Marin Keys.

As you may know, our family farmed that land during the 1970's for a period of about five years. Prior to that period, oat hay had been grown on the land for many years and, during two periods in the mid-70's, experimental crops irrigated with waste water from the North Marin Sanitary District were grown there. Our family was growing a forage mix consisting primarily of oats and vetch as a cattle feed to make into silage. The silage was used to replace alfalfa imported from farmers in the Central Valley and Nevada.

Our experience with this property was that it is highly productive land which responds well to cultural practices designed to improve productivity. Our yields were excellent and the quality of the product produced was as good as any silage produced in the North Bay Area. However, I believe that production of oat hay is one of the least valuable uses of this property from an agricultural standpoint. It certainly has the capability to raise to much more valuable crops. The tenant/landowner relationships on this property though have prohibited such investments necessary to upgrad the farm. If this land were committed to agriculture for the long term, then a farmer would be in a position to make the capital investments necessary to increase productivity substantially. At the time that we were farming this land, my brother looked into the possible production of alternate crops such as lettuce seed and found that this could be a highly profitable crop which would far surpass the income that could be derived from oat hay or silage. The land is capable of much higher levels of productivity but until the cloud of impermanence over the property is removed it is unlikely that any farmer will make the investments necessary to make maximum use of this land.

M-2

I feel very strongly that any evaluation of the agricultural value of the land should be based on its potential and not on its recent historical use for the reasons stated above. For more than 20 years the land has been in the hands of speculators/developers who have only been willing to give the tenant short term leases while they were preparing there development plans. That kind of tenancy precludes the proper management of the property for maximum agricultural productivity.

C-69

(57 revised letter

OG-3

As you know, there is very little land of this quality left in the Bay Area and particularly in Marin County. It is a large parcel that has been farmed for decades and could contribute enormously to the agricultural economy and directly to food production in the Bay Area if given the opportunity. The loss of this property, while not disastrous to the dairy industry, will have a continuing impact on the cattle industry in the North Bay Area because even though the hay currently produced there is being sold primarily to horse breeders and beef cattlemen, it is still a contribution to the total feed supply in the area which the dairies must compete for.

M-2 cont'd

Please feel free to contact me if you have any additional questions.

Sincerely yours,

Ralph E. Grossi
President

REG/esb
cc: Bob Berner, Marin Agricultural Land Trust



LOCAL 949
Service Employees International Union
MARIN ASSOCIATION of PUBLIC EMPLOYEES
1163 Francisco Blvd. San Rafael Ca. 94901 (415) 464-430

RECEIVED BY
22 A 11: 08

OG-4

September 18, 1992

Marin County Planning Department
3501 Civic Center Drive room 308
San Rafael, CA 94903

RE: Bel Marin Keys Unit V DEIR
Public Notice No. 15813N33A/State of California
Clearinghouse No. 89072519

C.100

Dear Planning Staff:

Affordable housing continues to be one of the most pressing issues facing Marin County today. And it is one that is especially meaningful to the Marin Association of Public Employees/SEIU Local 949 (MAPE/SEIU 949), many of whose 1,400 members and families can't afford to live in the County.

Various measures or remedies have been proposed to help balance the need for more housing with the need to preserve important environmental and open space resources in Marin. The County Planning Commission has before it a residential project that makes use of these remedies to increase the amount and type of affordable housing in Marin. The project, Bel Marin Keys Unit V, has set aside nearly one-third of its entire housing component for affordable housing. This is approximately triple the amount required under the usual inclusionary zoning policies throughout most of Marin.

O-2

The Marin Association of Public employees Board of Directors is looking at this project very closely. As we understand it, the Bel Marin Keys Unit V plan calls for 1,190 units of varying styles and sizes, 390 of which will be designated as affordable housing for moderate-income buyers, first-time home buyers and seniors living on limited, fixed incomes. This program is of particular interest to MAPE/SEIU 949 because it offers residences that moderate-income/first-time buyer families and County public service employees -- including city office, county office, school district, water district, housing authority, maintenance and other public service workers -- can afford to buy.

The Ecumenical Association for Housing (EAH) conservatively estimates the immediate need for affordable housing in Marin to be approximately 11,900 units between now and 1996. This estimate takes into account the County's population of

ATTACHMENT 2

low-income seniors, a projected number of the County's young people who will enter the job market and need their own homes, and a percentage of the total number of Marin employees who cannot now afford to live in the County. An additional 8,000 units will be needed between 1996 and 2020, according to the report, to accommodate population changes as senior residents age and today's youngsters mature.

O-2 cont'd

While MAPE/SEIU 949 hasn't take a formal position on this particular project, pending further study, I wanted to bring this opportunity to your attention and ask that the County give this project careful consideration, especially given the size of the affordable housing component. By increasing the number of County employees who live in Marin, you would be helping to improve the local economy, improve the environment through reduced traffic and associated pollution and improve the service provided by our members because they can live closer to where they work. Thank you for your consideration in this matter.

Sincerely,

Steve O'Keefe
Executive Secretary

cc: Marin County Planning Commissioners

STATEMENT OF TOTTON P. HEFFELFINGER

My name is Totton Heffelfinger. I am Chair of the wetlands committee of the Sierra Club, San Francisco Bay Chapter.

I will be submitting a letter on or before the deadline identifying a number of areas in which we believe the Draft EIR/S is deficient. In this connection I would like to join in the request for an extension of time to make comments. The issues involved in this project are extremely complex and of great importance to the entire Bay Area. The 45 day period allowed for review and comment is inadequate.

In the short time I have for this oral presentation, I shall focus my remarks on the inadequacies of the analysis of alternatives which would avoid fill of wetlands and minimize other adverse impacts to the environment.

C.101

A-4 As you know, CEQA forbids State or local agencies from approving projects with significant adverse impacts when feasible alternatives can avoid or substantially lessen such impacts. Avoidance of impact on wetlands and associated habitat certainly falls within this policy.

Federal agencies are bound by similar policies under the guidelines to section 404 of the federal Clean Water Act. Federal law further presumes that there are less damaging alternatives to filling wetlands for projects that are not water dependent.

It is abundantly clear that the proposed project here is housing (not a golf course, not lagoons, not wildlife habitat) and that houses are not water dependent.

In order to go forward with the proposed project, therefore, the project proponent has the burden of proving that there is
ALT-2 no feasible alternative to placing fill in the wetlands.

It is furthermore clear that a particular alternative is not infeasible simply because it would be more expensive or less profitable for the proponent. This is not made clear in the draft (see for example p.3.49 first para. uder "E").

The draft EIR/S does not contain an analysis of the feasibility of alternatives, either onsite or offsite. A draft Alternatives Analysis dated December, 1991, has been submitted to the Corps. This is the only document available for public review. It is not summarized in the draft EIR/S, nor should it be since it is woefully inadequate. Most alternatives discussed in the draft EIR/S are quite different from those analyzed in the December 1991 Analysis.

ALT-2 cont'd Furthermore, no alternative having less than 1190 dwelling units is even considered in the 12/91 analysis.

The draft EIR/S discusses several onsite alternatives but does not adequately describe any of them or comment on feasibility. The "reduced size alternative" (p.3.30-the only
ALT-1 alternative providing housing that avoids wetlands and seems
ALT-3 to minimize other impacts) is given only cursory consideration and lacks sufficient detail for adequate review. For example, no information is included as to specific location of improvements, or whether they would leave adequate buffer zones around wetlands and other sensitive areas.

The draft EIR/S discussion of offsite alternatives is not backed up by any documented study and is by itself a totally
ALT-4 inadequate analysis or even a summary. The criteria cited (p.3.50) are vague and far too restricted (e.g. why was a project of less than 1190 housing units not considered? See exhibit "A" hereto for other problems with the criteria).

The policy of avoiding adverse impacts to wetlands and other sensitive areas is one that is of vital importance under federal and State law. If this policy is to be overridden by other compelling considerations, these must be clearly set forth in the draft EIR/S so that the public and responsible officials may understand and comment on them. The final document must provide a basis for choosing the alternative that will avoid or minimize adverse environmental impacts.

September 14, 1992

Respectfully

Totton P. Heffelfinger

C.102

EXHIBIT A

The criteria established to identify offsite alternatives (p.3.50) are unduly restrictive or otherwise inadequate in the following respects:

-Restriction to Marin County 101 Centered Corridor: The proposed project itself is inconsistent with many Marin County policies.

-Minimum of 200 acres: Is this based on 1190 units? A project of reduced size should be considered. ALT-2

-Site should be capable of providing low income housing: Why? The proposed project does not include any. ALT-4

-Site may not be in Novato or Sonoma County: Federal law at least does not recognize such a restriction. Under California law it is only one of many factors which the County may (but need not) take into consideration.

THE ENVIRONMENTAL FORUM OF MARIN
P.O. BOX 74
LARKSPUR, CA 94939
TELEPHONE (415) 924-0320

A NON-PROFIT CITIZEN GROUP DEVOTED TO EDUCATION IN MARIN COUNTY ON ENVIRONMENTAL MATTERS.

October 16, 1992

Jerry Friedman, Chairman
Marin County Planning Dept.
Civic Center
San Rafael, CA 94903

RE: COMMENTS ON BEL MARIN KEYS DEIR

Dear Commissioners:

The Environmental Forum of Marin
We request that the following questions and concerns be addressed in the final EIR:

MIT-1, N-5 | 1. What assurances or projections would there be that all of the project features and mitigations would be constructed? What if the project proponents run out of money? What if certain mitigations do not function properly, such as flood control, access roads and the wetland mitigators? Are there any measures that could avoid the burden of paying for problems caused by the project falling on the taxpayer as is often the case? Address a requirement that the developer post adequate reserve funding to complete required mitigation measures.

SET-1, PD-1 | 2. A figure showing topography of the site and adjacent sites with the project and mitigation measures (flood control, access roads etc.) on adjacent sites should be provided. There is simply not enough visual data provided to understand the project and its impacts. The figure should also show where the fire houses, rail station and school would be located. More detail information on these project features is needed.

PD-1, O-1 | 3. The cost of all below market rate units should be stated. It is unclear whether moderate income and senior units would be affordable.

4. What guarantees are there to assure that the below-market-rate remain below-market-rate in the long term?

D-2 | 5. The discussion of seismic problems should be revised to better describe the potential earthquake dangers of dangers of building on bay mud.

C-2, B-3, COR | 6. More information is needed about the potential traffic mitigations:

- The construction of McInnis Parkway would cause multiple and extensive adverse impacts. For example, the figure on page 5.110 shows it going through Pacheco Pond. This, of course, is totally unacceptable. The extension to the north would also wreak environmental havoc. How would it be constructed, on pilings or fill? This road would be across seasonal and cross tidal wetlands. If a viable alternative could be found, how would it** be constructed? What would be the impact of any new alternatives be on agricultural and wetland use of the site?

7. The figure on 5.110 shows McInnis Parkway going through Pacheco Pond. This, of course, is totally unacceptable.

M-2 | 8. The issue of mitigation for the loss of agricultural lands should be revisited. It should point out that the payment of money is an unacceptable mitigation for the loss of agricultural lands. In addition, the proposed mitigation of 247-acres to mitigate for the loss of 1500+ acres of agricultural land is also unacceptable. Other mitigations should be recommended.

P-2 | 9. What are the growth inducing impacts of the proposed access roads? They would undoubtedly induce growth by allowing the project. What other area would be opened up to development if McInnis and/or the road through Hamilton are constructed?

D-1, D-2 | 10. Would the structures be built on pilings or slab foundation? How would differential settlement be addressed? The 1988 Seismic Hazard report identified this site as one of the most hazardous in the county. State what construction techniques would address all of the seismic dangers?

PD-1 | 11. What are the elevations of the fingers, on which houses would be built; at what elevation would the houses be built and what would the lagoon elevations be?

B-3, B-4 | 12. Additional wetland impacts from off-site and other project features not addressed in this DEIR should be addressed. Individual and cumulative impacts of the flood control project, roads, fire house, school, ferry and other features should be identified recommended.

B-4, B-5 | 13. Mitigations should be recommended for all individual and cumulative impacts. Specifically, mitigation measures for the filling or excavation of all wetland types should be provided. Currently no mitigation is being provided for tidal or seasonal wetland loss.

B-3 | 14. The cumulative impacts of the loss of wetlands on the project site and that would be caused by construction of traffic and flood control improvements on neighboring sites should be addressed. The total wetland acreage that would be degraded,

C.103

(6)

ATTACHMI

OG-6

OG-6

B-3 filled, excavated or otherwise impacted should be stated and the wetland types described.

ALT-2 15. Federal regulations require an alternate site analysis be prepared for projects that are not water dependent. All access roads through wetlands should require an alternate sites analysis.

B-4 16. A more detailed account of the proposed wetland mitigation, should be provided. The discussion should include how it would function; explain how it would be habitat and not dredge disposal site; the target species; management plan and an evaluation of the potential for success.

B-3 17. Mitigation should be revised to provide compensation for losses on adjacent sites. Mitigation should be provided preferable

B-4 B-5 18. How would mitigation would be provided for other species that would or could not use the shorebird habitat.

C.104

MIT-1 B-9 19. Mitigation measures for wetland losses are often not successful. What happens if the mitigations are not completed? We recommend that wetland mitigation measures be completed before the wetland losses occur.

E-1 E-6 20. The description of management of the sedimentation problems in Novato Creek and the existing lagoons sounds as though there is no problem, however, the appendix offers a different explanation. The DEIR should more accurately describe the problems managing the existing lagoon system. In the light of this revision, the discussion of management of the proposed lagoon should be revisited and modified.

PD-1 21. Would the golf course be private or open to the public?

E-4 22. The actions proposed to mitigate pollution impacts should be defined in more detail to understand whether they would work.

J-4 23. Has the use of reclaimed water been approved by the necessary agencies and is it available?

E-1 E-4 24. The proposed use of pesticides, herbicides and fertilizers should be described. To avoid water quality and other impacts of using chemicals, alternatives to using chemicals to maintain the golf course should be recommended.

PD-1 25. It does not appear that any area is open for public access or use. The areas open to the public for access should be shown on a figure.

PD-3 E-2 26. The recommendation to allow the flood control measures to be decided later after adoption of an EIR and master plan approvals should be changed. No project should be approved unless a flood

PD-3 E-2 cont'd control plan is approved before or as part of this environmental review. Leaving such a major issue for future review is unacceptable.

ALT-4 27. An alternative that represents the recommendations of the Environmental Assessment and that mitigates significant environmental impacts should be presented. This alternative should be confined to the land area in the vicinity of Headquarters Hill, which was identified as being without constraints in the Assessment, and mitigate the maximum impacts. It should not contain the lagoon because of the adverse impacts to agriculture and habitat. This alternative should reduce the number of units and other facilities to a level that avoids traffic impacts.

ALT-3 While the Reduced size alternative on page 3.30 appears closest to the Environmental Assessment recommendation, it includes a lagoon, fire station and school. There is no discussion of the need for these facilities, however.

Thank you for considering our comments.

Sincerely,

Kathy Lowrey

Kathy Lowrey
President

OG-7

6 x

THE ENVIRONMENTAL FORUM OF MARIN
P O BOX 74
LARKSPUR, CA 94939
TELEPHONE (415) 924-0320

A NON-PROFIT CITIZEN GROUP DEVOTED TO EDUCATION IN MARIN COUNTY ON ENVIRONMENTAL MATTERS.

October 3, 1992

W. R Till
Chief, Bridge Section
U. S. Coast Guard
Building 10, Rm 214
Coast Guard Island Alameda, CA 94501-5100

RE: PUBLIC NOTICE 11-92, NAVIGATION LOCK AND RETRACTABLE BRIDGE AT NOVATO CREEK, BEL MARIN KEYS

Dear Mr. Till:

The Environmental Forum of Marin objects to issuance of a permit to construct a retractable span bridge and lock at Novato Creek, Marin County. The bridge would provide access to an artificial lagoon that is proposed as part of Bel Marin Keys Unit 5, a 1190 unit residential development project with golf course, shopping center and marina.

The bridge cannot be evaluated in isolation. It should be subject to environmental review along with the rest of this large project so that its effects can be evaluated on an individual as well as on a cumulative basis with other project impacts.

We are particularly concerned about the impacts of the bridge on wetlands. It appears from the map that the bridge would be constructed on diked historic baylands but that the bridge could not be accessed except through the tidal wetlands that border Novato Creek. A channel would have to be dredged through the wetlands for boats to enter the lock and lagoon. B-4 B-6

The amount of wetland that would have to be dredged to create and access channel should be calculated, adverse impacts of this loss should be identified and mitigation provided. The assessment of the impacts should also address endangered species use of the wetlands as well as the diked historic baylands upon which the bridge/lock is built. These lands are habitat for raptors and other terrestrial wildlife, and in wet years provide habitat for ducks and shorebirds because they pond water.

Thank you for considering our comments.

Sincerely,

Kathy Lowery
President

C.105

COPY

U.S. Department of Transportation
United States Coast Guard

Commander
Eleventh Coast Guard District

Building 10, Rm 214
Coast Guard Island
Alameda, CA 94501-5100
Staff Symbol: (oan)
(510) 437-3514

16591
Novato Creek (0.6)
8 October 1992

RECEIVED BY
1992 OCT 13 P 1:46
MARIN COUNTY
PLANNING DEPT.

OG-7

Kathy Lowery
President
The Environmental Forum of Marin
P.O. Box 74
Larkspur, CA 94939

Dear Ms. Lowery:

I have entered your letter into the official record for the proposed bridge over a lock at Bel Marin Keys. Your letter will be given careful consideration in the Coast Guard decision.

The Coast Guard will not make any decision on the bridge permit application until the Final Environmental Impact Statement is published. We recognize that the bridge is a component of a larger project and it would be inappropriate to review the environmental impacts of the bridge in isolation.

Your comments concerning wetlands impacts relate to the lock construction which is under the jurisdiction of the U.S. Army Corps of Engineers. I am forwarding a copy of your letter to the Corps for use in their environmental review and permit decisions.

Sincerely,

W. R. Till
Chief, Bridge Section
By direction of the District Commander

Copy to: U.S. Army Corps of Engineers, SF Attn: Susan Ryan Johanscos w/ltr
Marin County Planning Commission ATTN: Mr. Tim Haddad w/ltr
Ms. Nona Dennis, ESA, San Francisco, CA w/ltr

OG-8

THE ENVIRONMENTAL FORUM OF MARIN
P.O. BOX 74
LARKSPUR, CA 94939
TELEPHONE (415) 924-0320

A NON-PROFIT CITIZEN GROUP DEVOTED TO EDUCATION IN MARIN COUNTY ON ENVIRONMENTAL MATTERS.

October 16, 1992

Jerry Friedman, Chairman
Marin County Planning Dept.
Civic Center
San Rafael, CA 94903

RE: COMMENTS ON BEL MARIN KEYS DEIR

Dear Commissioners:

The Environmental Forum of Marin
We request that the following questions and concerns be addressed in the final EIR:

1. What assurances or projections would there be that all of the project features and mitigations would be constructed? What if the project proponents run out of money? What if certain mitigations do not function properly, such as flood control, access roads and the wetland mitigators? Are there any measures that could avoid the burden of paying for problems caused by the project falling on the taxpayer as is often the case? Address a requirement that the developer post adequate reserve funding to complete required mitigation measures. — N-5

2. A figure showing topography of the site and adjacent sites with the project and mitigation measures (flood control, access roads etc.) on adjacent sites should be provided. There is simply not enough visual data provided to understand the project and its impacts. The figure should also show where the fire houses, rail station and school would be located. More detail information on these project features is needed. — PD-1

3. The cost of all below market rate units should be stated. It is unclear whether moderate income and senior units would be affordable. — O-1

4. What guarantees are there to assure that the below-market-rate remain below-market-rate in the long term? — O-1

5. The discussion of seismic problems should be revised to better describe the potential earthquake dangers of dangers of building on bay mud. — D-2

6. More information is needed about the potential traffic mitigations:

- The construction of McInnis Parkway would cause multiple and extensive adverse impacts. For example, the figure on page 5.110 shows it going through Pacheco Pond. This, of course, is totally unacceptable. The extension to the north would also wreek environmental havoc. How would it be constructed, on pilings or fill? This road would be across seasonal and cross tidal wetlands. If a viable alternative could be found, how would it** be constructed? What would be the impact of any new alternatives be on agricultural and wetland use of the site? — C-2, B-3

7. The figure on 5.110 shows McInnis Parkway going through Pacheco Pond. This, of course, is totally unacceptable. — C-2 COR

8. The issue of mitigation for the loss of agricultural lands should be revisited. It should point out that the payment of money is an unacceptable mitigation for the loss of agricultural lands. In addition, the proposed mitigation of 247-acres to mitigate for the loss of 1500+ acres of agricultural land is also unacceptable. Other mitigations should be recommended. — M-2

9. What are the growth inducing impacts of the proposed access roads? They would undoubtedly induce growth by allowing the project. What other area would be opened up to development if McInnis and/or the road through Hamilton are constructed? — P-2

10. Would the structures be built on pilings or slab foundation? How would differential settlement be addressed? The 1988 Seismic Hazard report identified this site as one of the most hazardous in the county. State what construction techniques would address all of the seismic dangers? — D-1, D-2

11. What are the elevations of the fingers, on which houses would be built; at what elevation would the houses be built and what would the lagoon elevations be? — PD-1

12. Additional wetland impacts from off-site and other project features not addressed in this DEIR should be addressed. Individual and cumulative impacts of the flood control project, roads, fire house, school, ferry and other features should be identified recommended. — B-3

13. Mitigations should be recommended for all individual and cumulative impacts. Specifically, mitigation measures for the filling or excavation of all wetland types should be provided. Currently no mitigation is being provided for tidal or seasonal wetland loss. — CUM-2

14. The cumulative impacts of the loss of wetlands on the project site and that would be caused by construction of traffic and flood control improvements on neighboring sites should be addressed. The total wetland acreage that would be degraded, — CUM-2

C.106

OG-8

filled, excavated or otherwise impacted should be stated and the wetland types described. | CUM-2

15. Federal regulations require an alternate site analysis be prepared for projects that are not water dependent. All access roads through wetlands should require an alternate sites analysis. | ALT-2

16. A more detailed account of the proposed wetland mitigation, should be provided. The discussion should include how it would function; explain how it would be habitat and not dredge disposal site; the target species; management plan and an evaluation of the potential for success. | B-4, B-5

17. Mitigation should be revised to provide compensation for losses on adjacent sites. Mitigation should be provided preferable

18. How would mitigation would be provided for other species that would or could not use the shorebird habitat.

19. Mitigation measures for wetland losses are often not successful. What happens if the mitigations are not completed? We recommend that wetland mitigation measures be completed before the wetland losses occur. | B-9

20. The description of management of the sedimentation problems in Novato Creek and the existing lagoons sounds as though there is no problem, however, the appendix offers a different explanation. The DEIR should more accurately describe the problems managing the existing lagoon system. In the light of this revision, the discussion of management of the proposed lagoon should be revisited and modified. | E-1, E-6

21. Would the golf course be private or open to the public? | PD-1

22. The actions proposed to mitigate pollution impacts should be defined in more detail to understand whether they would work. | E-5, E-7

23. Has the use of reclaimed water been approved by the necessary agencies and is it available? | J-4

24. The proposed use of pesticides, herbicides and fertilizers should be described. To avoid water quality and other impacts of using chemicals, alternatives to using chemicals to maintain the golf course should be recommended. | E-4

25. It does not appear that any area is open for public access or use. The areas open to the public for access should be shown on a figure. | PD-1

26. The recommendation to allow the flood control measures to be decided later after adoption of an EIR and master plan approvals should be changed. No project should be approved unless a flood control plan is approved before or as part of this environmental review. Leaving such a major issue for future review is unacceptable. | PD-3, E-2

27. An alternative that represents the recommendations of the Environmental Assessment and that mitigates significant environmental impacts should be presented. This alternative should be confined to the land area in the vicinity of Headquarters Hill, which was identified as being without constraints in the Assessment, and mitigate the maximum impacts. It should not contain the lagoon because of the adverse impacts to agriculture and habitat. This alternative should reduce the number of units and other facilities to a level that avoids traffic impacts. | ALT-4

While the Reduced size alternative on page 3.30 appears closest to the Environmental Assessment recommendation, it includes a lagoon, fire station and school. There is no discussion of the need for these facilities, however. | ALT-3

Thank you for considering our comments.

Sincerely,

Kathy Lowrey

Kathy Lowrey
President

C.106a

OG-9

Marin Audubon Society Box 599 Mill Valley, California 94942-059

October 31, 1992

Lt. Col. Leonard Cardoza, District Engineer
Army Corps of Engineers
211 Main Street
San Francisco, CA 94105

Tim Haddad, Environmental Coordinator
Planning Commission
Marin County Civic Center
San Rafael, CA 94903

RE: COMMENTS ON BEL MARIN KEYS DEIR/EIS

Dear Col. Cardoza and Mr. Haddad:

C.107

The Bel Marin Keys property is the largest historic tideland site proposed for a single development in Bay Area history. Its development would be a major loss of seasonal wetland habitat, would disrupt the contiguity of the seasonal wetland habitats along the Bay, and would set major precedent for conversion of other North Bay diked historic baylands to developed uses. For these reasons, we are vitally concerned about the DEIR/EIS for this massive project. We have a few overall comments about the document below. Our specific comments DEIR/EIS are attached.

A-1 Although the DEIR/EIS has many positive aspects, a major flaw is the almost total absence of reference to the Environmental Assessment produced in compliance with Marin County's Bayfront Conservation Zone policies and ordinance. To have the EA almost totally ignored is an astonishing disregard for the only mechanism the county has to preserve wetlands and San Francisco/San Pablo Bay resources. Furthermore, since this is the first project major application for a large parcel in the BFC Zone 10 year history, this DEIR/EIS will set a standard for possible future projects. If it is allowed to ignore the EA, what can be required for future projects? The DEIR/EIS should present a summary of the EA constraints analysis and its recommendations. The project should be evaluated against the EA recommendations, and an alternative reflecting the EA recommendations should be developed.

GEN-4 In other regards, the description of some features, for example development on the site across BMK Blvd., is inadequate to allow assessment of adverse impacts. Analysis suffers also from a failure to show or describe the topography and values of the adjacent sites many of which could be directly affected by the project. For example, the reader is not made aware that wetlands

ATTACHMENT

OG-9

exist on all of the areas that would be required for the new access roads. This could be largely remedied by adequate figures. All relevant topographic features on-site and on adjacent sites, including wetlands, Hamilton runway, and Novato Creek channels, should be shown, and components of the project should be shown in overlay. Almost no figures are included except for those provided by the applicant.

PD-1 PD-3 Information about some mitigation measures, the proposed new access routes, flood control components and the proposed ferry, is so vague that it is impossible to evaluate their feasibility, their potential effectiveness in mitigating the identified impact. Identification of the potential impacts of the mitigation measures themselves and the need for measures to mitigate these impacts also cannot be determined. It is also very troublesome that measures to mitigate impacts of some impacts are put off for future determination by certain agencies. Recommendations that a flood control plan be approved at the precise design phase is unacceptable and not in the public interest. Mitigations for all wetland impacts should be recommended and evaluated in this DEIR/EIS process, not delayed to be decided privately between agencies.

PD-3 The Marin County review process (pp. 2.21 - 2.25) shows approval of the Project based on this DEIR/EIS. <u>It is essential that no approvals be granted for the project until there is sufficient information to fully understand all aspects of the project, understand the potential adverse impacts and until adequate and feasible mitigation measures are identified</u>. Should measures that are essential to mitigate major impacts of the project, such as flood control, access roads, a ferry service or mitigation for wetland fill not be defined in sufficient detail to able to be evaluated in this DEIR, the EIR must be deemed incomplete.

B-4 In addition, one of the developer's consultants commented at a public hearing with regard to a possible change in the wetland mitigation to include restoring tidal action to some portion of the site. For this or other such modifications that would change impacts and mitigation measures, a new, supplemental or subsequent DEIR/EIS should be prepared with full public review.

Thank you for considering our comments.

Sincerely,

Barbara Salzman
for the Conservation Committee

cc: USFWS
RWQC
BCDC
CDFG
EPA

OG-9

C.108

MARIN AUDUBON SOCIETY - COMMENTS ON BEL MARIN KEYS DEIR/EIS

PROJECT OBJECTIVES The project does not fulfill the stated objectives. Both the information in the DEIR/EIS and the reaction of the community indicates that the project would not enhance the Bel Marin Keys Community. There is no evidence that the project would "preserve and/or improve the habitat quality" or that the objective of minimizing adverse effects on local and regional transportation systems has been accomplished.

The project goals are questionable as well:

- What were the expectations of the original residents? How many are even still living at BMK? Is their opinion in the majority? Does the majority really want what was originally promised? Is this issue relevant in view of state, federal and local regulations and policies?

PD-4 - there is absolutely no evidence that project would create habitat of greater value for shorebirds and waterfowl than currently exists. In fact, the applicant's own consultant has raised question about functioning of the planned shorebird marsh. It is not clear whether the 20-foot deep hole would provide habitat values even commensurate with the existing non-tidal wetlands, much less better.

- likewise, there is no evidence that the project would remove more peak-hour, peak-direction traffic from Hwy. 101 than is generated by the project. In fact, there is no evidence that the proposed mitigators would adequately mitigate the traffic impacts.

The project purpose and goals should be redefined or the project revised.

PROJECT DESCRIPTION

The DEIR/EIS does not provide sufficient information about the project to enable identification of its potential adverse impacts, or mitigation measures. The locations for the community center, fire station, boat storage, swimming pool and school are not clearly identified. The discussion (p. 2.4) indicates that the fire station/boat storage could be located on the 7-acre site adjacent to Novato Creek across from Headquarters Hill. A

PD-1 footnote on page 2.3 indicates that a 20-acre elementary school/park site may be located in the marsh/agricultural area.

PERIMETER ROAD The perimeter road would also serve as the levee protecting the project from Bay waters and for containing waters of the lagoon. Insufficient information is provided to enable understanding of how this roadway would function together with

adjacent facilities. What would the usual elevation of the water be in the lagoon? What would the elevation of the peninsulas be?

BMK 5 would participate in the construction costs for projected improvements to Hwy. 101 interchange (p.), in the acquisition of the ROW, construction of arterial street connection to Hamilton Field. What if the other participating project are not built? Does that mean the improvements are not constructed because there is insufficient funding?

The description of the ferry service from Port Sonoma is not sufficient to enable identification or evaluation of its impacts or its adequacy as a mitigation measure. What is the depth of the Bay waters at high and low tides? Where would the terminal be located? Would any wetland have to be destroyed to operate the ferry?

HOUSING The number of below-market rate and affordable housing should be provided. Only 80 of the identified 390 units proposed for the affordable housing program are identified as being below-market rate. The Master Plan states that only 10 of the senior and 70-80 of the other homes would be "below Market rate." How

PD-1 cont'd much would the senior and first-time buyer units cost? How long are these units guaranteed to remain below-market rate?

OPEN SPACE RECREATION How much of the proposed recreation areas would be open to the public should be identified. The bayfront should not be developed for only the private use of a few, particularly if public tax funding would be contributing to services and other maintenance.

GOLF COURSE Would fill be required to construct the golf course? If so where it would come from and the impacts of importing the fill should be identified. If on-site bay mud is used, how would turf survive?

HABITAT COMPONENT What is meant by the temporary disturbance to 8 acres of tidal marsh outside of the levees (para. two, p. 2.18) and where would this non-permanent disturbance occur? Additional information should be provided about management of the agricultural/wetland acreage (see p. 8-9).

Site on North Side of Bel Marin Keys Blvd. The only discussion we could find of this two-acre parcel is under Consistency with Other Applicable Plans. p. 4.4. Since four units could be built and a fire station and boat storage are planned, the proposed facilities should be shown on a figure and discussed.

ALTERNATIVES

ALT-1 It is impossible to evaluate the feasibility, or even effectiveness in mitigating certain impacts and possible impacts

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ALT-1 cont'd

of the many alternatives without a visual analysis. A figure must be included showing the site plan for each alternative.

ALTERNATIVE RESIDENTIAL DEVELOPMENT The discussion indicates that this alternative would avoid filling of jurisdictional wetlands, however, because there is no site plan it is impossible to identify how this would occur. What would the developed acreage be? How much of the existing wetlands would be surrounded by development? How close would the development be? Would the wetlands be in pits lower than the surrounding development? How about a wetland buffer; the long-term viability of the wetlands; and their habitat, aesthetic and safety values? Would runoff flow into the wetlands? How would the reduced water quality effect wildlife? Until these questions are answered, the statement, (p. 3.7, para. four, line 3) "No impacts to the aquatic resources of the BMK5 site...are anticipated" cannot be made, nor can other impacts or the feasibility of this alternative be evaluated. If the remaining wetlands are surrounded by urban development, we would expect that their habitat value would be significantly impacted. The Hydrology section p. 3.8, states that the absence of a lagoon would eliminate the means for any on-site storage of floodwater.... Why couldn't the oat-hay field serve as a flood ponding basin as it does now? It is interesting that the third sentence, para. three, acknowledges potential impacts resulting from access: "Potential wetland habitat losses from the second access to State Route 37 would be the same." However, the body of the DEIR/EIS does not address potential wetland impacts that would result from the second access road.

ALT-1
ALT-3

ALTERNATIVE MIX/TYPE OF USE This alternative seems similar in purpose to the one above, except that it includes lagoons but other features, golf course, commercial and agriculture would not be included. Most of the questions asked for the previous alternative should also be asked here. As mentioned previously, it is difficult to envision how this alternative would "provide protection for the 116 acres of jurisdictional wetlands" as claimed in the last paragraph, p. 3.11.

MITIGATED ALTERNATIVE - It is unclear why this is entitled the Mitigated Alternative because it does not seem to mitigate many, if any, impacts. All project features (except a marina) would be retained with some slightly reduced in size, and the dredge disposal/ag/habitat areas enlarged slightly. The proposed density would still exceed that allowed under current zoning. Wildlife impacts would still occur. The filling and loss of 36 acres of wetland would still be significant. Access roads and a flood control project with their associated impacts would still be required. Increased wildlife habitat benefits are claimed from operating the golf course in a more environmentally sensitive manner using either a "natural links" or strict chemical use management plan. However, components of these management plans

are not provided so the adequacy of this claim cannot be evaluated. It is also impossible to determine whether 14 percent more wildlife habitat would be retained, as claimed on p. 3.19, Biological Resources para. one. Flood potential impacts do not appear to have been addressed.

OPEN-SPACE/AGRICULTURE ALTERNATIVE This alternative would retain and increase the agricultural uses. On p. 3.23 the additional acreage is listed as 280 acres, but on 2.24 the increased it is stated as 262. It is unclear where the additional agricultural-use acres would be. Would the disposal area for dredged material be used for ag. also? If so, where would dredged material be disposed? Potential impacts on endangered species along the bayfront and Novato Creek are unclear. With more intense agricultural practices, water quality would degrade unless organic farming were practiced.

ALT-1
ALT-3 cont'd

STATUS/QUO CURRENT ZONING This alternative uses the maximum current zoning which considers site constraints only very broadly. The Environmental Assessment (EA) provides ample evidence that there are numerous site constraints and that the maximum number of units allowable under current zoning could not be accommodated. Contrary to the statement on p. 3.26 Biological Resources, it cannot be assumed that a smaller portion of the site would likely be developed under this alternative. There could simply be larger lot sizes. Why couldn't the 971-acres of agricultural fields serve also as a flood ponding basin as occurs now?

REDUCED SIZE ALTERNATIVE - This alternative best reflects recommendations of the EA, however, it includes considerably more features, would cover more acreage and, therefore, would have more impacts than the project identified in the EA. The EA cited 160 units on 20 acres. It is unclear why a reduced sized project should include a lagoon. While it would provide a source of fill, it would have numerous impacts including destruction of habitat, degrade water quality, convert agriculture lands and habitat. Would a new access road be needed?

EA ALTERNATIVE NEEDED An alternative that reflects the recommendations of the EA should be developed. This alternative should be confined to the Headquarters Hill area as shown on Figure of the 1990 Final EA and with a maximum of 160 units. It should not include a lagoon, and should be further reduced in size if necessary so that there is no need for a school, a new fire station and an access road. Lands subject to Corps jurisdiction under Section 10 of the Rivers and Harbors Act (see discussion under Wetland Jurisdictional Issues (below). This alternative should be developed at the maximum level of detail and shown on a figure. It would more accurately be identified as the Mitigated Alternative.

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OFF-SITE ALTERNATIVES Hamilton Field should not be dropped from consideration as an alternative site simply because development is "politically complex." Other sites that are equally complex to develop were included, however. While Hamilton is in Novato's jurisdiction it is located immediately adjacent to BMK making it a much more logical location than Bahia. While Bahia has not been the subject of an initiative, development applications have been submitted for more years than the Hamilton site and Bahia is also in Novato's jurisdiction. Bahia has the further complication of having a sizable population of endangered salt marsh harvest mice rendering construction on the seasonal wetlands most unlikely. Also, it is unclear why a pending development is a reason not consider the Renaissance Estates site when it was not a reason to eliminate Bahia.

ALT-4 cont'd

CONSISTENCY WITH APPLICABLE PLANS AND POLICIES

The project would be approved/rejected under the policies of the revised Countywide Plan, therefore, it seems reasonable and appropriate to assess the project in relationship to proposed revisions to the CW Plan. Consistency with Plant and Wildlife Preservation policies are particularly important.

Regarding CW Plan policies:

Policy A-2 Lands that are identified as "natural" open space in this discussion would, in fact, require active management for purposes other than wetland wildlife habitat. These cannot be considered natural and should be considered as Class I impacts.

Policy A-8 Tidal wetlands along Novato Creek would be excavated and covered with riprap to construct the lock and possibly the the flood control facility. This should be a Class I impact. No adequate mitigation is proposed.

A-2

Policy A-10 The water quality in Novato Creek would be degraded; increased boat use could impact creek values by destroying some tidal wetlands etc. This would decrease wildlife diversity and abundance.

Policy B-5.2 While the public could not be restrained from using the road, as far as we area aware there is no provision for public access to the Bayfront lands. This evaluation should be reassessed.

Policy C-1.1 The Class II assessment should be revised to Class I because the DEIR/EIS assessment contradicts the applicant's claim that current habitat values would be enhanced.

Policy C-1.4 This project proposes intense land uses that would severely impact habitat values of remaining areas. Class I assessment is warranted.

BIOLOGICAL RESOURCES

The statement (para. three, p. 5.11), that the antennae field north of Novato Creek is not owned by the USFWS is in error. It is owned by the State of California. Ownership is correctly shown on figure 5.A-1, p. 5.2 and Figure 5.B-1 p. 5.12.

COR

The DEIR/EIS does not address how the site functions as part of the seasonal wetland habitats of the North Bay and, in the converse, what impacts the development of the site would have on migratory species of the Pacific Flyway, on endangered Species and on habitat value of the North Bay. The local and regional value of the wetlands and uplands on the site for migratory waterfowl and shorebirds should be discussed. The discussion should cover the impact the urbanization of this major parcel would have on the contiguity and functioning of the habitats to the south and north. The precedent that would be set for future losses of North Bay diked historic Baylands should also be addressed.

B-2

Ruderal Areas The importance of the upland habitats for native black-tailed deer and gray fox should be addressed. Gray fox were observed during our bird surveys, out at the nearby Human Society marsh and at Hamilton Field.

B-5

Wetland Areas Our observation of wildlife use of the borrow pit wetland indicates that bird use is high all times of the year. As identified in the DEIR/EIS, this area contains water year-round. We have observed migratory birds using the wetlands on each of our five visits during the last three years. Diving ducks use it in winter when the water is deeper. It also is important habitat for shorebirds in late summer and fall before rains pond water in other shallow and seasonal wetland habitats.

B-5

In addition, members of Marin Audubon Society also participated in the USFWS Diked Historic Bayland study through which we have gathered extensive data on bird use over a six year period. Our census areas were adjacent parcels at Hamilton, Novato Sanitary District fields, Leveroni fields and small BMK parcel across BMK Blvd. We have slides of the entire BMK site flooded in 1986. During that period, the USFWS and CDFG did fly-overs also found extensive waterfowl use on the site.

A list of bird species from the Diked historic Baylands Study are available from the USFWS. These should be included in Appendix D.3.

Habitats Along the Secondary Access Routes This discussion (p. 5.19) identifies that wetlands exist at several locations proposed for access routes, namely at the proposed Hamilton Drive extension and within a "Route B" corridor. The location of the Route B corridor is not provided, but it sounds as though it is

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the field to the north of the Novato Creek channel that parallels BMK Blvd. Our data indicates that this site is important habitat for shorebirds and other water birds. A flock of Long-billed curlew, a special-status species, foraged in the seasonal wetlands each winter; snipe used the site; common moorhen inhabited the channels until the vegetation was removed; and cinnamon and green-winged teal are some examples of the species that were observed on the site under certain habitat conditions. The presence of cattle grazing, while it may result in disturbance, is responsible for some of the habitat values, particularly depressions in which water ponds.

B-3 cont'd

Habitat Analyses The Habitat Evaluation procedure that was performed on the site should be included in appendix to enable review by the public for adequacy. It does not appear that any values were given in the HEP for waterfowl use of fields during times of ponding of flood/rain water (para. 4, p. 5.20).

B-5

The LSA report on the mitigation project should also be included in an Appendix.

Special Status Species Grasslands adjacent to the tidal and pickleweed habitats should be identified as harvest mouse habitat. Loss of or other impacts to this habitat should be identified as significant and warranting mitigation. Salt marsh harvest mice have been found as far as one-hundred and fifty feet from salt marshes and grasses have been found in their stomachs, indicating that adjacent uplands are an integral part of the habitat for this endangered species.

B-6

P. 5.19 - second para., states that the larger pickleweed patches may support small populations of salt marsh harvest mice and that mice and rails may use patches of pickleweed patches on inboard side of the levees for refugia. The loss of these pickleweed areas should be identified as impacting endangered species and mitigation should be required and recommended.

Although mentioned on p. 5.16, there is no discussion of the golden eagle a special status species observed on the site. On numerous occasions yellowthroat were observed along the tributary to Novato Creek on the two-acre site owned by the applicants across BMK Blvd.

B-7

The endangered status of the winter run Chinook Salmon and candidate status of spring run should be discussed. Their presence in San Pablo Bay and the potential for the project to impact this should be addressed more thoroughly.

B-6
B-7

The need for consultation with USFWS Office of Endangered Species should be required for impacts to clapper rail, salt marsh harvest mouse and winter run chinook salmon should be discussed. Preliminary results should be presented in this DEIR/EIS.

B-6

Plants A survey of Valley Oaks and other native and important tree species should be included. In particular trees on Headquarters Hill and the hill across BMK Blvd. The DEIR/EIS should state how many of these trees would be impacted by the project. Mitigation for their loss should be recommended.

B-8

Wetlands Jurisdictional Issues Wetlands considered to be subject to 404 Jurisdiction by the EPA should be shown on a figure. Because Corps jurisdictional determinations are only valid for two years and the BMK jurisdictional was done in 1985, the DEIR/EIS should address why a new jurisdictional determination has not been completed, particularly considering the request to do so by the EPA.

B-1

The first para. on p. 5.30 states that the Corps has taken Section 10 jurisdiction over 969 acres. These areas should be shown on a figure. The bases upon which the Corps issues Section 10 permits should be described.

The discussion in paragraph three, p. 5.30, indicates that "enhancing" wetlands could be an acceptable mitigation. We object to considering enhancement as mitigation for filling of wetlands nor do we believe this is acceptable to most agencies. Enhancement result in a net loss of wetlands. This wording should be revised.

B-4

SIGNIFICANCE CRITERIA The last sentence, second para., p. 5.35 has no relevance and should be deleted. Whether or not wetland were artificially created has no bearing on either jurisdictional determination or habitat value. In fact, all but about 7 acres of the BMK site was at one time tidal wetlands, so most of the site should be viewed as historic and seasonal wetlands.

B-5

ADDITIONAL INFORMATION AND ISSUES TO BE ADDRESSED

1. Additional Impacts to Wetlands The DEIR/EIS must address all of the wetlands that would be filled and/or otherwise impacted by all components of the project. Wetlands and other habitats on the following sites could be affected and therefore, should be discussed and shown on a figure:

B-3
B-4

- the 2-acre site across BMK Blvd. proposed for a fire station, boat storage and swimming pool. These facilities would impact seasonal wetlands and tidal wetlands bordering the tributary to Novato Creek, and the native trees on the knoll. Boat access to Novato Creek from this site would also cause impacts to wetlands that border the channel.

ALT-1
B-4

- a 20-acre marsh site would undoubtedly impacted by the proposed school and park facility. A site plan showing the proposed location is needed for a more accurate impact

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assessment.

B-4 cont'd - a tributary slough to Novato Creek which would be adversely impacted by an access road to the north and the fire station, boat storage.

- Pacheco Pond adjacent to the west. Figure 2.A-1 and other figures in the Transportation section show the main access road to the project on the west side of Headquarters Hill which would require filling of Pacheco Pond. Pacheco is a flood basin managed per agreement with the CDFG by the Marin County Flood Control District and was required as mitigation for extensive wetland lost by construction of the Ignacio Business Park. The proposed McInnis Pkwy. is also shown on Figure 5.C-15 (p. 5.106) as going through Pacheco Pond.

B-3 - wetlands at Hamilton Field adjacent to the runway. The McInnis Pkwy. alignment on Figure 5.C-15 (p. 5.106) could also require filling of wetlands adjacent to the runway at Hamilton Field or perhaps the runway itself, in addition to Pacheco Pond. It is impossible to determine without a site plan showing the existing topography.

- seasonal wetlands at the Hamilton Drive extension site.

- seasonal wetlands at the Novato Sanitary District fields and the State of California Antennae field north of BMK Blvd. which could be impacted by one or more of the flood control alternatives. Some flood control options would pass through the Flood Control District sites (used by the Novato Sanitary District) and the antennae field.

B-11 - a 20-acre portion of the marsh/agricultural field which could be used for an elementary school and park.

ALT-1 All of the above wetlands and other habitats should be shown on a site plan with an overlay of project features.

2. Managed seasonal marsh-ag. fields. Additional information is needed to assess the values and functions of this habitat. The description of the Managed Seasonal Marsh (p. 2.20 para. 4) indicates that water would obtained either from Pacheco Pond or treated effluent. The benefits and potential adverse impacts of these water sources need to be addressed. How would removal of B-4 water from Pacheco Pond impact the habitat value of this pond? M-1 Would it increase salinity? A structure to convey the water from the Pond to the seasonal marsh would have to be constructed. Where would this be located and how much habitat would be destroyed be build it? Where and how would the habitat loss be mitigated? Sewage effluent carries a heavy nutrient load. Would its use increase the potentia for algae blooms? What is the potential for algae blooms? When would the water be removed from

B-4 the field to allow planting? How would this affect migratory bird use?

3. Management and habitat value of the proposed mitigation site Additional information is also needed to assess values and B-4 functions of the proposed mitigation site. The frequency at which dredged material would be placed on the mitigation mudflat should be stated. How would the level surface be maintained? How would its use as a disposal site for dredged material would affect its use as habitat?

4. Project Phasing The proposed phasing schedule should be evaluated with regard to wetland and other mitigation measures. Wetlands would apparently be lost in Phase I when all of the PD-2 earth work is scheduled, however, the wetland mitigation may not B-9 be completed until Phase III (pp. 2.20 and 2.21). This would B-10 result in a temporal loss of wetland. The proposed length of time between wetland loss and construction of the mitigation should be stated. The potential risk of having no replacement should the developers have financial difficulties should also be evaluated.

5. Mitigation Acreage Since the proposed mitigation for loss of 116 acres of existing seasonal and permanent non-tidal wetlands and for an unknown amount of seasonal and tidal wetlands on and B-4 adjacent to the project site for project features and mitigations discussed above, is inadequate, mitigation that is adequate should be recommended in the DEIR.

6. Impact on Diving Birds Potential impact on overwintering B-3 diving birds, particularly canvasback and scaup, from operation of the ferry through San Pablo Bay.

BIOLOGICAL IMPACTS

Impact B.2 - In addition to the specific wetland acreage that would be lost on-site, the acreage that would be lost to either fill or conversion to another wetland type by excavation for B-4 example should be included. Mitigation should ensure compensation B-5 for wetland acreage and values.

The statement last paragraph p. 5.36 that under the proposed project "migratory shorebirds, dabbling ducks, herons/egrets and diving water birds would experience net increases in habitat units" is not reflected, and is in fact contradicted by other discussions, of the adequacy of the proposed wetland mitigation.

Impact B.4 The discussion of this impact is incomplete. The B-3 habitats that would be adversely impacted by construction and use of a second access road from State Route 37 is not simply a field. This access road would have to cross seasonal wetlands to the north and seasonal, tidal and ponded wetlands to the south,

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see #1, p. 4 above. and seasonal wetlands in the grazing field to the north. 404 (b)(1) Guidelines described for the 116 on-site wetlands would also be applicable to filling of off-site wetlands. An alternate site analyses would be required for the off-site wetlands that would be filled for roads because they are non-water dependent uses.

ALT-2

Impact B.5 Revise this discussion to clearly point out that most of the project components are not water dependent and therefore 404 (b)(1) guidelines require an alternate sites analysis. According to Sierra Club testimony at the Corps public hearing, the Alternate Sites Analysis prepared so far is not for the same project.

ALT-2

Impact B.6 - Revise to indicate that conversion of the on-site habitats would not only affect the diversity and abundance of local wildlife, but would have regional impacts as well.

B-5
B-2

Impact B-7 - In addition to the direct loss of habitat from excavation for the lock and placement of riprap, increased boat use encouraged by the lock could cause erosion of the banks of the salt marsh along Novato Creek and perhaps the Bay. This marsh is habitat for two endangered species.

B-6

Impact B.9 - Revise this impact to indicate that, in addition to removing wildlife movement corridors, the project would directly eliminate foraging habitat for native gray fox and black-tailed deer.

B-5

Impact B.12 - As described at #1, p. 8 above, the access roads would cross wetlands the north and south.

B-3

Filling, coverage and/or other adverse impacts to off-site wetlands should be thoroughly addressed in this DEIR/EIS, not addressed only as part of the federal review as the discussion seems to indicate. The values of the habitats that would be impacted by access roads should be described with regard to their vegetative characteristics and habitat values and acreage that would be filled or covered.

B-3

404 (b)(1) Guidelines described for the 116 on-site wetlands would also be applicable to filling of off-site wetlands. There should be a discussion stating the 404 alternate site analysis requirements for non-water dependent uses such as roadways, that are proposed through wetlands off-site.

ALT-2
B-3

Impact B.13 - It is unclear whether impacts from flood control facilities would be just temporary and related to construction. Depending on the design, it is possible that tidal marsh and seasonal wetland habitat would be permanently lost thereby impacting endangered and migratory species habitat.

B-3
B-6

Impact B.14 Management conflicts could arise with regard to wildlife use of or near the golf course. For example, at one Marin golf course there is interest in removing geese which are viewed as a pest. Other problems could include accumulation of golf balls on adjacent habitats which occurs at facilities in Novato and San Rafael. Measures to ensure that wildlife would be protected must be required as a mitigation for this potential impact.

B-4
B-5

Impact B.17 - Additional adverse impacts to the vegetated banks of Novato Creek that could occur from flushing of large amount of water to maintain the lagoon water quality should be addressed. Bank erosion would adversely impact salt marshes habitat for clapper rail and salt marsh harvest mouse.

B-6

Impact B.20 - The potential value of the proposed lagoon as habitat for diving birds before identifying the lagoon as a project benefit should be discussed. Considering the interest in water skiing, the increased boat use and the increased water quality degradation, we cannot see how the lagoon would have anything but marginal habitat value.

B-5

CUMULATIVE IMPACTS The cumulative impact discussion should also address impacts to endangered and migratory species due to destruction of marsh along Novato Creek; to fish due to entrapment due to construction and operation of yet another lock and lagoon (2 at Bel Marin Keys and three others in Marin); and loss of seasonal wetland habitat. The precedent setting nature of the loss of this much diked historic bayland to the habitat value of the region should be addressed.

B-13

MITIGATION MEASURES

The criteria for defining the feasibility of a mitigation measure should be revised to add: the measure is capable of being implemented.

MIT-1
B-14

Mitigation Measure B.3 We strongly disagree that this mitigation would reduce this impact to less than significant. 100 feet is not an adequate width for a buffer for clapper rail and salt marsh harvest mouse habitat. As stated previously, harvest mice have been found 150 feet from wetlands, so at least this distance should be provided as a buffer. The feasibility and effectiveness of a number of the proposed 9 mitigation measures are questionable. In fact, we strongly disagree that the nine measures have been demonstrated to "work" in other shoreline areas frequented by the public.

B-6

At most locations around Marin we have observed evidence of restrictions not working. People climbing over or under locked gates (even high ones), through fencing, though vegetation and go right past "Dogs on leash" signs with their unleashed dogs.

OG-9

Fencing unless very high - over six feet - is not effective in excluding all dogs, cats and people. Many people ignore educational signs. Without patrolling and a penalty enough people would ignore signs to make them relatively useless. And it is unclear who would patrol frequently as suggested in (5). (6) recommends ditches to restrict cats. This ignores the fact that ditches themselves become habitat. Shrubby low vegetation would take years to grow to an adequate size to inhibit human and pet intrusion, if it ever does, and by that time trails would be well worn through the vegetation. Vegetation is an important component of buffers because it provides cover and foraging habitat, but it is not in itself sufficient deterrent to intrusion. It must be combined with fencing. Boardwalks over wetlands are not a mitigation measure for intrusion into wetlands, they are an intrusion and an impact. It must be clear where that they would be located away from wetland habitats. Boardwalks would cause adverse impacts if they were located over the disposal site for dredge material, the agricultural lands or the tidal. Finally, the enforcement of leash laws is not within the power of the project applicants and, therefore, this cannot be considered a feasible or effective mitigation.

B-4
B-5
B-6

In summary, this discussion should be revised to indicate that the measures recommended would help but would not substantially reduce adverse impacts on wildlife and wildlife habitat. The suggested measures might if taken together could discourage and deter most people, but the adverse impacts from the vastly increased people and domestic pet activity that could be anticipated from such a massive project would till be significant. These indirect impacts alone would substantially reduce the value of any habitat that remains.

Increased disturbance and predation by domestic dogs and cats should be identified as an adverse impact. A prohibition of free-roaming dogs and cats should be considered as a mitigation.

Measure B.4 This measure indicates that mitigation for alignment of access roads through wetlands should minimize wetlands fill, isolation of habitats and replace habitats at a 2:1 ratio. This is unacceptable. Avoidance should be the mitigation measure of choice. As stated above, an alternative site analysis should be required under 404 (b)(1) guidelines because an access road is not water-dependent.

MIT-2
B-3

There is no evidence that a suitable location exists on which to provide compensatory wetland mitigation. Therefore, it is not clear that the mitigation would be feasible or effective.

Also, this mitigation should not be delayed to be identified at some unidentified time in the future. The amount of wetland acreage that must be mitigated should be identified as part of this DEIR/EIS; the mitigation site should be identified and a

plan developed in sufficient detail to enable review as to its adequacy.

Mitigation B.5 Pursuant to 404, the project would result in the loss of more wetland than 116 acres, therefore substantially more mitigation acreage would be required. We agree with the consultants evaluation that the proposed shorebird marsh habitat does not qualify as mitigation for wetland loss because it would not be a wetland under the Corps definition. Even if another wetland definition were used that identified unvegetated mudflats as wetlands, the proposed mudflat still would not be adequate mitigation because it would not provide in-kind habitat. The wetlands that would be lost are vegetated channels and ponded habitats. The proposed agricultural field\seasonal wetland would not qualify as a wetland under the federal definition because it would be used to produce oat hay, therefore, wetland plants could not grow.

The consultants recommended criteria for wetland mitigation are acceptable, but the list is not complete. The mitigation should also be in-kind, on-site, not use a design that is experimental and result in wetlands of equal or better habitat value than the existing wetlands. The location should be identified so that its feasibility and effectiveness can be established. The Mitigation Plan should be developed in sufficient detail to enable assessment of its adequacy and it should be included in an appendix. In the absence of an adequate mitigation proposal, the EIR consultants should recommend a mitigation location. Unless a site is identified and there can be a reasonable evaluation of compliance with the recommended criteria, it must be assumed that no mitigation is available.

B-4
B-5
B-14

We strongly agree that dual purpose mitigation not be permitted. There are many mitigation areas in Marin where a wetland must serve both habitat and flood control uses (Shorebird Marsh, Corte Madera, Spinnaker in San Rafael). In each instance, the habitat values end up subservient to the other purposes that have more value to managers.

Mitigation B.6 The DEIR/EIS should comment on the assessment that the major purpose of the proposed "shorebird mitigation" is as a disposal site for material dredged from Novato Creek and the lagoons, and as a flood ponding basin. It is unclear how much time the site would be accessible and usable for habitat. Because no mitigation has been presented that has been demonstrated to be feasible or effective, it must be concluded that mitigation is not available to fully mitigate this impacts.

Mitigation B.7 The measures proposed could mitigate for construction related impacts, but they would not adequately mitigate for fragmentation of habitat due to construction of the lock, even if replacement habitat were available nearby Nor

OG-9

would they mitigate for endangered species impacts resulting from continued disturbance and erosion resulting from increased boat use.

MIT-1 B-14 Simply monitoring construction related impacts would not prevent their occurrence. The monitor must have authority to stop the impact.

B-8 Mitigation B.8 What does "worthy of preservation" mean? The criteria used to determine "worthiness" should be presented and approved as part of this environmental review process, not by an arborist functioning outside of the public process. Where have mature oaks been successfully relocated to justify this as a mitigation? Turf should be prohibited within the dripline of oaks, not minimized.

B-5 There is no evidence that the proposed shorebird habitat would function to provide satisfactory habitat for the Long-billed curlew.

B-5 Mitigation B.9 An adequate buffer for the wetland habitats should be at least 150 to 300 feet wide, protected by fencing and planted with native plants including baccharis consanguinea, and native grasses. However, fencing should be designed not to block movement of other native wildlife, black-tailed deer and gray fox thereby causing an impact. The buffer area should be shown in a figure. Without a mitigation plan, it is unclear whether there is sufficient space for an adequate buffer.

B-6 Mitigation B.11 - Mitigation for wetland loss due to placement of ripriap should also be provided. It is unclear what measures could mitigate the obstacle to movement and the fragmentation of habitat particularly for endangered species as would occur by construction of the lock and placement of riprap. The impacts would be cumulative in nature because of the other locks.

B-6 B-14 A streambed alteration agreement would not suffice as mitigation for federal agencies, other state agencies or the CEQA process. This is simply delaying identification to some future time effectively removing the public from any input into the decision-making process. Mitigation for this (and all) impacts is the responsibility of the County and the Corps, not just Fish and Game and the Coast Guard. Mitigation should be decided as part of this public process. Unless a mitigation plan is presented in sufficient detail to evaluate its feasibility and effectiveness, it must be determined that no mitigation is available to mitigate this impact.

B-3 Mitigation B.12 Delineation of all wetlands that would be impacted by the access road should be conducted now so that the jurisdictional can be reviewed as part of this process. It must also be determined whether the proposed site is available for

B-3 use by the applicant. Further, a roadway is not water dependent and therefore an alternate site analysis would be required. Measurable standards are not enough. Unless a Mitigation Plan that includes at least a location, demonstrates that the mitigation is capable of being used for the mitigation, and provide in-kind, on-site or as close as possible to the site of loss so that the same species can benefit and other identified criteria, it must be determined that no mitigation is available to fully compensate for this impact.

Mitigation B.13 Because a flood control project has not really been decided upon, its potential adverse impacts cannot really be identified nor can mitigation be determined adequate.

E-4 Measure B.14 Use of "natural links" landscaping and/or a strict chemical management plan should be discussed as possible mitigation for water quality impacts. The applicable features of these measures and effectiveness in mitigating impacts should be addressed.

E-1 Measure B.17 We disagree that no mitigations are necessary for potential impacts of flushing of the BMK lagoon. As discussed elsewhere, flushing such large volume of water could cause erosion and loss of tidal marsh habitat.

B-3 Mitigation B.19 Increased boat use of the North Bay from the many new boats from the project as well as ferry should be considered significant impact on Canvasback and other diving birds. Potential impact of wakes should be addressed. The Larkspur Ferry caused extensive wave action and possibly erosion of shorelines along its route.

B-14 Mitigation B.21 A monitoring program does not suffice as a mitigation. The program must include specific constituents to be analyzed, when and include specific remedial measures to be taken if sample show levels over a specific standard.

B-13 Added to list of cumulative impacts should also be loss of vegetative cover along inside of levee; loss of ponding habitat during storms

TRANSPORTATION

PD-1 The transportation figures should be overlaid on a topographic map of the area. As discussed at #1, p. 8, the access roads appear to have been designed without regard for adjacent wetland habitats.

B-3 The DEIR/EIS should discuss and evaluate the feasibility and the adverse impacts of constructing the proposed access road network. The discussion should address which options appear to the most feasible and effective and which avoid the maximum amount of

OG-9

wetlands and other adverse impacts. Ownership or availability of sites for use as access roads and maximum avoidance of impacts along with effectiveness in mitigating traffic impacts should be considered. As discussed at #1, p. 8, access roads as shown on Figures 5.C-5 on p. 5.70 and 5.C-6 on p. 5.71 would require filling many wetlands and possibly the Hamilton runway. B-3

The increased traffic levels that would occur near the entrance of the existing BMK developments should be analyzed as part of the local intersection discussion. C-10

The project summary states (page S 2) "The Project Sponsor would participate in several local roadway and interchange improvements." What measures would ensure that needed improvements are built if projects of the other participants are for some reason not constructed? C-9

Mitigation measures aimed at reducing peak period vehicle trips "have not been quantitatively analyzed, however, they are expected to considerably reduce Project-generated and cumulative traffic impacts." This seems an important step. This analysis not been made included in this DEIR. C-9

C.116

The proposed location for the Light Rail Station in the vicinity of the *Ignacio Blvd. Hwy.* 101 interchange should be shown on a figure and discussed. Is there sufficient land, who owns the site and is there an agreement for this use? What are its possible adverse impacts? Could wetlands or other natural resource be affected? PD-1

The effectiveness of a ferry from Port Sonoma to mitigate project induces traffic impacts should be thoroughly addressed. In view o Sonoma County's opposition, a ferry could be a mute point, however, in case they change their minds, it seem important to provide some discussion of the possible effectiveness and adverse impacts of this mitigation measures. How much commute traffic would such a system be anticipated to remove? Is 338 commuters a realistic number? Would this be an effective mitigation for project generated traffic increases, even if it were accurate? Would the ferry attract increased traffic to the Port Sonoma Area? The potential success of the service in attracting and retaining riders should be assessed. Would it be too long or to costly a trip or require too many changes so that it is not attractive to riders? Further, potential environmental impacts of a ferry service must be evaluated: what would the disturbance to overwintering migratory birds, canvasback and scaup in particular that depend on the shallow waters of the north Bay for resting and foraging? What is the potential for increased erosion of the tidal marshes along the shoreline of the ferry route? Considerable erosion occurred as a result of the Larkspur Ferry. Would increased dredging be required? What area would need to be dredged and how frequently would the dredging be C-1 B-3

required? Where would the dredged material be disposed of?

The last paragraph on p. 5.132 states that the proposed financing for the ferry is not available but that it is probable that the service would require financial subsidy in order to meet operating expense. What sources of subsidy are available and how could it be assured that the ferry remain in operation if the income becomes a problem? C-1

ADDITIONAL ISSUES NEEDING TO BE ADDRESSED

How frequently would the levee/road require maintenance? What kind of maintenance would be required and how would it be done? C-12

What would the likelihood be of opening the emergency road/bridge for daily use? What would benefits and detriments of using the bridge/local for regular use? C-13

GEOLOGY, SOILS AND SEISMICITY

Potential impacts of adding 4 feet of additional fill to bring the perimeter levee to +14 thereby allowing the road levee to remain above the FEMA 100-yr flood level should be discussed. Would adding this material increase the rate of settlement? *According to the discussion* on page 5.141, using the additional material to increase the height of the levee-road would make it difficult to achieve cut and fill. Additional material would have to be brought in. How many truck loads would this require, what would be the impact on roads, on traffic and what would be the possible source of the additional material?

Conformance of the project levees and building pad elevations with BCDC standards for levee height should be addressed.

Should the levee need to be raised sometime in the future how would that be accomplished with the only access road for the project located on top of it? Who would be responsible for levee/roadway improvements? Would the residents of BMK have to pay or would this burden fall on all Marin residents? D-1

The structural integrity and long term stability of the levee/perimeter road should be evaluated. The following aspects should be considered: its location adjacent to the lagoon; its proposed use as a dredge disposal site; the recommended elevation of the perimeter road at +14 NGVD, the lagoon at elevation +1.5 NGVD, the housing at 10 NGVD, and the dredged disposal site be at -7 NGVD. With only shallow water proposed to cover the surface of the disposal site for habitat, this site will be a 21 foot deep hole with no counterbalancing force.

Mitigation D.2 The geotechnical investigation should be prepared now for review by the public and decision-makers. Since there is D-3

OG-9

D-3 cont'd ample evidence in the Bay Area of the larger community having to foot the bill for projects built in flood plains, we believe it is important for the public to have the opportunity to review and comment on these investigations.

HYDROLOGY, DRAINAGE AND WATER QUALITY

COR The last sentence of the second full para. on p. 5.149: "There is no treated sewage discharged to Novato Creek" is in error. There is an overflow from the Novato Sanitary District pumps into Novato Creek. We observed discharge into the Creek on numerous occasions during our surveys of the site.

Lagoon Management The impact of the proposed project with its massive lagoon on the sedimentation problem in the lagoons and Novato Creek is not adequately addressed, however. There is no data presented to support the claim that the proposed water quality circulation plan for flushing would minimize sediment accumulation in the lagoon and Novato Creek, as stated on pp. 5.156 and 157. It sounds as though the flushing plan is basically the same as the existing program.

E-1 We have been advised by residents that there are problems with flushing some of the lagoons. The water distinctly different in the lagoon near the lock is relatively clear, while in the western lagoons farthest from the lock is usually turbid. Sometimes dead fish are floating in the water. The water quality in the existing lagoons should be more accurately described.

A review of Appendix G indicates that sedimentation history of the existing lagoons is long-standing and attempts to solve it have been problematic. However, the DEIR conveys the impression that the existing sediment management regime is satisfactory. The DEIR should be revised to more accurately reflect the sediment management problems and water quality in existing lagoons. Recommendations to revise the proposed lagoon management plan to overcome the problems that occur in the existing lagoons should also be made.

Flood Control It is impossible to evaluate the adequacy of the potential flood control measures without a visual analysis. Figures should be provided showing the location and design of each of the potential flood control options which we understand to be:

E-2
- ponding on-site using the 1,282.5 reserved acres
- use of the new lagoon and dredged disposal site for ponding
- the ultimate channel - widening or by-pass Novato Creek (we are unclear whether this is the same as the project that would widen Novato Creek
- a wide and shallow ultimate Novato Creek channel
- construction of Novato Creek by-pass of unknown design

C.117

combined with a lagoon flow-through system as described at the bottom of page 5.155.

The comparison of the impacts of the flood control alternatives indicates that the only impacts would be reliance on mechanical devices and personnel, sedimentation, the need for periodic dredging and potential erosion of Novato Creek levees. The flood control options should be analyzed with regard to operation and potential benefits/detriments. Specifically:

E-2
- effectiveness in providing a ponding basin;
- costs of construction and management - what costs would be paid by developer, BMK residents and/or would a larger community;
- ease and need for long term maintenance including dredging and vegetation removal;
- current habitat values of the flood basin sites an dhow the project would change the habitats: quantification of the acreage and type of wetland habitat that would be lost and/or converted to other types of habitats for the various alternatives and features including culverts, riprap etc.);
- potential for adverse impacts to endangered species habitat on Novato Creek;
- potential for increased erosion or sedimentation along Novato Creek or other locations
- frequency of dredging that would be required and where the dredge material would be disposed
- feasibility (is the land available, from the USFWS and FCD, to construct the ultimate channel.
- potential impacts on adjacent habitats, such as Pacheco Pond. The combined by-pass channel/lagoon flow-through includes a diversion of water from Pacheco Pond into the wetland/ag areas preceding or during storms (bottom p. 5.155).
- amount of management and maintenance needed. The long-term success of a system that depends on active management, such as this one would, is greatly diminished.

Measures to mitigate all of the potential adverse impacts of the preferred flood control options should be provided.

Provisions in the County Code referencing use of publicly owned land to benefit a private development should be cited. This seems contrary to the public interest, particularly since the lands being considered are already serving a public use, namely irrigated with effluent to avoid discharge into San Pablo Bay. How would use of these lands for a flood control channel affect the Novato Sanitary District program and compliance with their NPDES permit? Further, it appears that a portion of the flood control channel could have to extend through lands owned by the State of California. Have approvals been obtained to use these lands, and if not who would approve this use?

OG-9

C118

Specific Impacts

E-2 Impact/Mitigation 1 We strongly disagree with the recommendation that the Public Works Dept. decide on which flood control option at the Precise Development stage. This decision should be made as part of a public process, prior to any approvals for the project. This would be a massive flood basin that would effect a large segment of the community and that would have the potential for long-term management problems and significant loss of habitat.

B-3 Impact/Mitigation B.2 As stated previously, identifying only erosion of levees as an adverse impact of operation of a flood control option ignores the fact that tidal marshes are habitat for endangered species could also be destroyed by operation of the flood control system.

B-2 Impact/Mitigation B.3 The outer levee will degrade over time. How imp. it to maintain? What will happen if it breaches? What maintenance is recommended. if any, to continue to provide "secondary protection."

E-1 Impact/Mitigation B.4 Review of Appendix G indicates that the flushing of the lagoons to manage sediment in existing lagoons is not as easy or successful as portrayed in the DEIR/EIS. See discussion p. 18-19 above. Measures to ensure that these problems are not perpetuated and are corrected.

D-3 Impact/Mitigation B.5 Grading and erosion control plans should be developed in sufficient detail to enable the public and decision makers to understand the potential impacts.

E-7 Impact/Mitigation B.6 should be strengthened. Specific measures should be recommended for incorporation into a stormwater plan, not simply "measures such as these". Residents should not simply be "educated" regarding non-point pollutants. There should be specific instructions and the CSD should have the ability to fine for infractions. Also, it is unclear whether some of the recommended measures are feasible, i.e. whether there is sufficient space for retention basins and infiltration facilities. Also, stormwater quality control plans should not wait until prior to construction to be submitted, and the public should have the ability to participate in the development of this plan.

E-4 Impact/Mitigation B.7 See the JOURNAL OF PESTICIDE REFORM, Vol., 11, NO. 3 for information on adverse impacts related to golf courses. How the proposed irrigation maintenance plan would prevent water quality degradation should be demonstrated. Permit conditions should prevent the use of biocides and require monitoring and enforcement of maintenance plan by an independent authority. The "natural links" plan and/or a strict chemical use

E-4 management plan should be described and recommended mitigation measures for potential water quality impacts, unless the DEIR/EIS consultants find them unacceptable.

E-7 A stormwater plan should comply with the County's NPDES stormwater permit and should include provisions to restrict use of pollutants at their source not simply minimize.

AESTHETIC

H-1 The proposed shorebird habitat/dredge material disposal site will be 21 feet lower than the adjacent levee on which the access road and path would be constructed. What is kind of view will residents have of this area; what will it look like to them? What are safety considerations or concerns?

AGRICULTURE

M-1 M-2 What is the viability of the proposed 247-acres for agricultural use? Is it sufficient acreage to compensate for the loss of 1600 acres? Is it a large enough area to be sustainable? Would its use for agriculture be diminished if it is flooded part of the year? When would water have to be removed from the site to plant?

ECONOMICS

N-1 Why are costs for maintenance of the flood control structures and subsidence of the roads and possibly buildings) not included? Also extensive maintenance of mitigation measures for wetland fills will need to be maintained. Who would be paying for this?

MARIN CONSERVATION LEAGUE
A non-profit corporation founded in 1934

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San Rafael, CA 94903
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OG-10

Past and Present
Angel Island
Mt. Tamalpais
Richard Taylor Park
Bolinas Lagoon/Kent Island
Stinson Beach
Drakes Bay Beach
Tomales Bay
Pt. Reyes National Seashore
Richardson Bay Sanctuary
Corte Madera Tidelands
Shorebird Tidelands
Bothin Marsh
Hamill Marsh
The Northridge
Rancho Olompali
Marin's Agricultural Lands
Marin's Dairy Farms
Coastal Protection
Golden Gate National Recreation Area
Offshore Oil Drilling
Marin Planning Issues
Wild and Scenic Rivers
S. F. Bay Protection

President
Joan Bonnemaker
Executive Director
Katie Shepherd
Public Education
Kay Slagle
Financial Development
Nancy Novelli
Office Manager
Bea Wolfe

Board of Directors
Peter Behr
Joan Bonnemaker
Priscilla Bull
Claude d'Alessio
Jay Dahlgren
Shawn Davis
Brian Dolphil
Ken Drexler
Willie Evans
Rick Fraites
Harvey M. Freed
Patty Garbarino
Richard Gray
Roger Hooper
Steve Kinsey
Lisa Kleinman
Chris Lindsay
Alan Mackintosh
Margo Moore
Larry McFadden
Jane Mills
Bill Mohle
Carol Peltz
Ellie Riha
Barbara Salomon
George Sears
Lawrence Smith
Joan Starkweather
Susan Stompe
Adrienne Williamson

Director Emeritus
Gordon Brownbridge

10/20/92

Marin County Planning Commission
Marin Civic Center
San Rafael, CA 94903

Re: Bel Marin Keys EIR/EIS

Dear Chairman Friedman and Commissioners:

The Marin Conservation League appreciated the additional time granted for review and comment on the Bel Marin Keys DEIR/EIS. Following are issues we feel need additional information or clarification before the EIR can be accepted as adequate.

A-1 Extensive research and public comment was generated for the Environmental Assessment that preceeded the EIR, however not all the information was reflected in the EIR. We recommend the EA be incorporated into the EIR and its studies and conclusions analyzed and evaluated.

PD-1 Some of the data on the maps and elevations needs to be clarified. The elevation of the golf course and lagoon water level are not listed. The new road alignments are vague in the descriptions and erroneous in some cases on the figures, i.e. Figures 5.C-5 & 6 show a northbound on ramp from Nave Dr. to be put in south of the existing NB off ramp, a definite collision course not consistent with Caltrans.

LAND USE

ALT-4 The proposed project is inconsistent with a number of county policies. An alternative project should be proposed that would not violate the county

A-2 Bayfront Conservation Zone, concentrating development of approx. 80 units along Bel Marin Keys Blvd. on Headquarters Hill.

A-5 The rationale for commercial development and the economic viability if dependent on Bel Marin Keys residents should be discussed.

C-119

(11)
ATTACHMEN

OG-10

BIOLOGICAL RESOURCES & HYDROLOGY

B-4 1. Much more information is needed on the proposed "mud flat". For example, who will manage it; how deep will it be, and therefore which shorebirds will be attracted to it; if there are not plants, what kind of habitat will result? Will it be permanent or will it be temporary, with future dredge material added? It appears to be designed as a dredge disposal area, not habitat.

B-4 2. Consideration should be given to restoration of a tidal marsh instead of the establishment of a highly managed mudflat. An alternate plan which establishes a tidal marsh, should describe another site for the dredge spoils.

B-13 3. A more accurate description of the maintenance of adequate navigatible channel levels in Novato Creek should be provided. Further study is needed regarding the effect of the various proposals of creek scouring on marshes and on the timing between tides.

B-1 4. The actual amount of wetlands that would have to be filled for this project should be calculated, as it is probable that more wetlands would have to be filled than are presently estimated. Take into account the EPA position that 900 to 1000 acres are subject to U.S. Army Corps of Engineers Section 404 regulation.

B-3 5. *On page 5.106, McInnis Parkway is shown going through Pacheco Pond; on page 5.120 a road is shown going around Headquarters Hill and this road, too, would impact part of Pacheco Pond. Since Pacheco Pond is not only wetland wildlife habitat, but also mitigation for other fill and development, preservation of the pond and buffering it from new impacts are extremely important. The EIR should evaluate effects, and recommend alternatives to these roads.*

B-3 6. The EIR should discuss access road proposals and their impacts on wetlands. A potential road from Hamilton crosses wetlands. A potential road linking Highway 37 or Marsh Road crosses the Leveroni property, also wetland.

D-1 7. The EIR does not deal adequately with possible consequences of flooding and diffential settlement from on-going subsidence of the filled areas.

E-2 B-3 8. The impacts of a new flood control channel parallel to Novato Creek is barely mentioned, but needs thorough investigation.

TRANSPORTATION AND CIRCULATION

C-2 C-8 1. The EIR should make clear how the Ultimate Street System differs from the project sponsor's Proposed Street Network and how these differences would affect the levels of service when the project and other approved development are completed.

C-6 2. The impact of the project traffic on through freeway traffic is not clearly stated. On pages 5.46 and 47, the Report states that the "proposed project's contribution to peak direction freeway mainline cumulative volumes is 1 percent during the a.m. peak and 2 percent during the p.m. peak." This statement might be correct if "cumulative volumes" were changed to "*demand, including approved projects...*" Since the freeway is already operating at capacity during the peak hour its volume cannot be increased. Nor should the effects be stated in terms of deterioration in average speed unless the existing speed is also given. It would be more meaningful if the effects were also stated in terms of additional delay.

Using conservative assumptions and trip generation rates on page 5.72 and peak hour volumes at the Ignacio Blvd. interchange on page 5.63, the additional delay would appear to be at least 3.5 minutes during the a.m. peak hour and 4.5 minutes during the p.m. peak. The report should include an analysis of the effect of the project on upstream delay.

C-5 C-4 3. The analysis of the project sponsor proposed mitigation is adequate, although the estimate of reduced trips resulting from the rail station appears high. This is offset by what appears to be a low estimate of the effect of the shuttle service to the Golden Gate bus stop. Taken together, these would result in 19% of peak hour trips being via transit, not unreasonable for peak hour trips. The feasibility of the shuttle service is dependent upon adequate funding. Provided the project sponsor furnishes the rolling stock, where will the operating funds come from? How much is the service expected to cost?

O-2 4. The report could discuss where the potential residents of this development would live if they did not live in the development. To the extent that they are people who work in Marin and otherwise would commute into Marin, the traffic will be positive overall, if not in the immediate area.

AGRICULTURE

M-2 M-3 The loss of Farmland of Local Significance to a less than visible level cannot be mitigated by preserving ag lands elsewhere, there would still be a net loss. The 1990 harvest was the only basis used in evaluating the significance of the crop production from the site. Ralph Grossi's letter of 5/10/91 should be referenced.

C.120

PUBLIC SERVICES

N-3 The project would exceed the capacity of various public services and the mitigation is to expand service, however the cost, especially capital costs, are not identified. Would the project contribute to a new water tank, sanitary district treatment facility, fire station, etc.? Would this added capacity be growth inducing?

P-2 Thank you for the opportunity to comment on this large, complex and tremendously significant proposal. The DEIR demonstrated how greatly the project impacts many areas of concern.

Sincerely,

Jean Berensmeier

Jean Berensmeier
President

Pacific Gas and Electric Company

OG-11

October 26, 1992

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MARIN COUNTY
PLANNING DEPT.

Mark J. Riesenfeld,
AICP, Planning Director
3501 Civic Center Dr., #308
San Rafael, CA 94903-4157

Re: Bel Marin Keys Unit 5 DEIR/DEIS Comments

Dear Mr. Riesenfeld:

Our review of the Bel Marin Keys Unit 5 Draft Environmental Impact Report (DEIR) and Draft Environmental Impact Statement (DEIS) results in the following comments related to the energy section of the document:

The Bel Marin Keys 5 Development , by virtue of its size, represents a project that will require significant expansion of the existing gas and electric distribution system to serve. PG&E has identified over sixty such projects in our northern and central California service territory with the magnitude of 1000 acres or more and at least 1000 housing units. It is our intent that once projects are identified, we would begin to work closely with the developer early enough in the process in order to influence the decision to incorporate energy efficiency should the project be built. (*It is not PG&E's intent to endorse the construction of this or any other project*).

The DEIR/DEIS identifies, through proposed mitigations, ways that the project can meet California's state building performance standard (Title 24). In this case, the developers have stepped forward to embrace the concept of energy efficiency. Venture Corp. is working closely with PG&E in order to produce a comprehensive energy efficiency plan for Bel Marin Keys 5 that will substantially exceed the state's minimum standards. The developers have agreed that should this project go forward, they intend to commit to the following:

CN

- Exceed Title 24 standards by at least 20%.
- Incorporate energy efficiency in the design of the entire project including commercial space.
- Use energy efficient appliances and include natural gas over electric appliances where appropriate.
- Model homes will meet PG&E's standards for Energywise Showcase Homes (exceed Title 24 standards by 50%) and that they will offer showcase model homes as an option to buyers.

C.121

ATTACHMENT I

OG-11

- Participate in all applicable PG&E energy efficiency programs in effect at the time of construction.
- Work with PG&E to develop a method to verify that actual building performance meets design standards.

I-2

Based on our experience with the developers and the level of commitment to energy efficiency, we feel that should this project go forward, the consumers who ultimately purchase homes will benefit from the energy efficiency measures that are incorporated.

We suggest that the DEIR/DEIS examine the benefits of the Developers' participation in PG&E's Customer Energy Efficiency Programs and how the Developers participation will positively impact the environment.

If you have any questions, please feel free to call Ms. Judith Ritner at (415) 257-3470.

Sincerely,

MICHAEL ALEXANDER
Marketing Manager
North Bay Division

MAA:ptw

OG-12

FARMERS INSURANCE GROUP OF COMPANIES

RECEIVED BY
1992 OCT 30 A 11:51
MARIN COUNTY
PLANNING DEPT.

SUE MILLER
55 CARIBE ISLE
NOVATO, CA. 94949
OCTOBER 28, 1992

JERRY FRIEDMAN, CHAIRMAN
MARIN COUNTY PLANNING COMMISSION
MARIN COUNTY CIVIC CENTER, ROOM 308
SAN RAFAEL, CA. 94903

C.122

Dear Mr. Friedman,

We want to comment on the Bel Marin Keys Unit V Plans. We are residents of Bel Marin Keys and are anxiously awaiting the start of development.

We understand the Marin Planning Commission is being thorough in looking at all angles, but do hope for a YES vote on the go ahead for the project. The project will increase open space and water habitat. The extended lagoon system will create more recreational opportunities and also be aesthetically pleasing. CN

The Unit V plan calls for a Fire Station and Elementary School to be build. These are of tremendous concern to our family and all of our neighbors with small children. We need these facilities desperately. K-3

Please feel free to contact our family and we want a YES on the Unit V Project.

Sincerely,

Sue Miller

Susan Miller

ATTACHMENT 1.

OG-13

Golden Gate Audubon Society

A Chapter of the National Audubon Society
Serving San Francisco and Parts of Alameda and Contra Costa Counties

October 29, 1992

Tim Haddad
Marin County Planning Department
3501 Civic Center Drive, Rm 308
San Rafael, CA 94903
FAX # 415-499-7880

C.123

Re: Draft Environmental Impact Report for Bel Marin Keyes Unit 5

Dear Mr. Haddad:

The Golden Gate Audubon Society has the following comments on the Bel Marin Keyes Unit 5 (BMK5) Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS).

1) Alternate Site Analysis: This is discussed only as regards CEQA and NEPA. The Corps of Engineers also has an Alternate Sites Analysis under Section 404(b)(1) Guidelines found at 40 CFR Part 230.10 (a) (2). Here there is a requirement that the Corps investigate alternatives "in light of the overall project purpose". Considering the importance of the Corps in this project it is a serious omission to not consider alternatives on a 404(b)(1) basis. In addition, the DEIR/DEIS does not recognize that the 404(b)(1) Guideline states that unless a project is water dependent (and the Corps does not recognize either housing or golf courses as a water dependent uses) there is presumed to be an alternative site available.

ALT-2

As it is, the DEIR/DEIS gives an overly broad view of the goals of the project. Bel Marin Keyes 5 is clearly a housing project. All other elements are subsidiary to this one goal. Thus in looking for an alternative site, the ability to provide housing should be the only requisite component. A lagoon, for example, does not have to be part of such a housing project, especially "in light of the overall project purpose."

ALT-4

A) Offsite Alternatives To The Project: It is interesting that the DEIR/DEIS uses many zoning and County Plan objections to disqualify the proposed alternatives, yet the proposed project seems to have at least as many such zoning and County Plan obstacles. We believe that some of the alternatives declared not feasible may be just as feasible as the BMK5 project.

A-1

B) Onsite Alternative: Because this parcel is designated Bayfront Conservation Zone, an Environmental Assessment was required. This Assessment looked at all the constraints to the project, particularly flood control, and its conclusion was that the site could only sustain 160 units on the approximately 7 acres of land surrounding Headquarters Hill. This is not

ATTACHMENT y.

AMERICANS COMMITTED TO CONSERVATION

OG-13

mentioned, or at least not sufficiently so, in the DEIR/DEIS (at least the concerns over flooding do not seem to be adequately addressed in the DEIR/DEIS).

2) Flooding Control/ Endangered Species: The DEIR/DEIS itself states of the preferred flood control alternative that, "...a number of factors and unresolved issues could significantly affect the feasibility of this system to adequately manage flood flows (pg. 5.158)." The second alternative, Novato Creek widening, has endangered species problems (see below). In fact, the consultants admit that "A third approach...would be to combine elements of each...However, since this concept was not included in the initial application... [this alternative was too late for analysis in the DEIR/DEIS]".

Clearly the developer has not yet found a suitable answer for one of the major impacts of this project, flooding. No DEIR/DEIS on this project can be adopted unless there is a realistic and workable answer to the flooding problem, and one that recognizes the endangered species problem inherent in any Novato Creek alternative (see below).

B-3
B-6

The second alternative, the Novato Creek widening, has impacts that are poorly addressed, if at all, in the DEIR/DEIS. In particular the impact to endangered species is glossed over. Novato Creek is listed as critical habitat for both the clapper rail and the salt marsh harvest mouse (SMHM). Any widening of the Creek would necessarily destroy all of the habitat for these species. Tidal marshes are found along the channel sides where widening must take place. Refugial habitat in high marsh or transition zone habitat, i.e., the higher elevation habitats immediately adjacent to tidal marshes, is well known to be critical to the survival of these species. The vegetation of these habitats provides the rail and the SMHM both foraging and protective cover from predators during high tides. This habitat too must be destroyed if the Creek is to be expanded.

All this is ignored in the DEIR/DEIS. It does mention that such habitat should restore itself in 5 to 10 years, but does not discuss what is going to happen to the endangered species in the meantime. It does not propose any specific mitigation for the loss of this habitat. Instead it simply suggests very generally that mitigation shall be performed. Nor does it address the likelihood of the killing of endangered species themselves during the construction. It only mentions barriers and caution to prevent harm to wildlife outside the construction zone, not within it. Such generalities are not acceptable with endangered species. Habitat for these species is very difficult to reproduce. Failures far outweigh successes. One can't simply say we will mitigate. A very detailed endangered species/Novato Creek mitigation plan must be part of this DEIR/DEIS.

B-6

Furthermore, the DEIR/DEIS does not adequately address transition zone habitat. Studies have shown that the SMHM may roam as far as 300 feet (Shellhammer at ITT marsh) from wetlands. The DEIR/DEIS does not address how this transition zone habitat will be impacted by the project nor what mitigation is proposed for such impacts. It does request a minimum buffer zone of 100 feet but that is significantly short of 300 feet.

The DEIR/DEIS does talk about educating contractors about the presence of endangered species, but in some cases cessation of construction activity itself, is the only answer and this is not suggested as a mitigation. This latter mitigation is a very real possibility considering the drastic decline in the rail population in the Bay. With less than 400

OG-13

3

individuals left in the world, no individual rail is expendable. The DEIR/DEIS must address this issue in much more detail.

2. Mitigation/ Endangered Species: Mitigation Measure B-7 is woefully inadequate on this endangered species issue. The DEIR/DEIS fails to mention that intentional creation of clapper rail/ SMHM habitat is often unsuccessful and thus the proposed mitigation may not succeed. What guarantees are being provided to insure that endangered species impacts are mitigated? An insurance bond to allow for habitat modifications if at first unsuccessful? This is not mentioned in the DEIR/DEIS. Where will this mitigation take place? Measure B-7 does not say where, nor what kind of habitat is to be created as mitigation.

What amount of mitigation? The DEIR/DEIS talks about 2 to 1 but for endangered species habitat we believe that a 5 to 1 or even a 10 to 1 acre ratio of mitigation is not unreasonable. Such ratios are suggested by the National Research Council (the research arm of the National Academy of Sciences) for compensatory mitigation projects when the habitat being lost is exceptionally valuable. (Restoration of Aquatic Ecosystems, National Academy Press, 1992, pg. 309). None of this is addressed in the DEIR/DEIS. B-6

The DEIR/DEIS does mention that the U.S. F&WS and Corps may have to hold Section 7 Consultations over the endangered species issues on the project. But the DEIR/DEIS itself should address this issue. Decision makers should have this information before being required to adopt a DEIR/DEIS. Otherwise their decision is either unfair to the developer or to the endangered species. Clearly, the endangered species issue must be clarified and expanded in the DEIR/DEIS.

Other Mitigations: The consultants themselves state that "The SPONSOR PROPOSED" enhancement of 247 acres of seasonally flooded agricultural fields and 377 acres for "managed shorebird habitat"...does not constitute adequate mitigation for the long term regional reduction of habitat." (pg. 5.44)

Similarly, the consultants also state that the "feasibility of successfully creating and maintaining the proposed 377 acre shorebird habitat...is uncertain..." and, "These same concerns were expressed by the habitat plan authors..." (pg. 5.46). Another point is that the mitigation proposed is not in-kind mitigation.This DEIR/DEIS should not be accepted until in-kind realistic wetland mitigation is proposed. B-4

Clearly, we believe that the present DEIR/DEIS is unacceptable. We urge you to not accept this document and to insist on its being rewritten, addressing the issues mentioned above. Furthermore, we urge a much more intensive alternative sites analysis be performed. Thank you for your consideration.

Sincerely yours,

Arthur Feinstein
Program Coordinator

C.124

5 pages

OG-14

SIERRA CLUB MARIN GROUP

110 San Mateo Way, Novato, CA 94945

MARIN COUNTY PLANNING DEPT.

10/30/92

Chairman Friedman & Commissioners
Marin County Planning Commission
Marin County Civic Center
San Rafael, CA 94903

Dear Chairman Friedman and Commissioners:

With the additional time granted to review the DEIR for Bel Marin Keys Unit 5, the Marin Group of the Sierra Club was able to consider the many issues raised and has the following comments to make. Prior to certification as complete we urge that additional information be provided.

C.125

Traffic and Circulation

This section has a number of typographical errors which compound the difficulty in reading it, i.e. page 5.61 "Ignacio Blvd. and Northbound 101 Off-ramp" should be On-ramp. The Project Study Report for this segment of 101 was mentioned, but the new northbound on-ramp from Wave Drive is on all the figures located south of the existing northbound off-ramp which is not consistent with the PSR.

It is apparent that many intersections will be beyond capacity without major changes in the existing street network. An Ultimate Street Network and Project Sponsor's Proposed Street Network alleviate the congestion, but raise other questions:

- What would each of these systems cost (approximately) and what would be the source of funds? The project sponsor seems to accept responsibility for only a proportional share of the cost, what proportion? If completion is dependent upon other projects, is [illegible] growth inducing?
- [illegible] layout of the various new roads in the Ultimate and [illegible] networks is vague, but appear to traverse wetlands. [illegible] needs more discussion. Pacheco Pond is mitigation for prior [illegible] and must not be encroached upon for any new project.
- [illegible] conflict of the Sponsor's ferry service from Port Sonoma [illegible] Sonoma County General Plan is not discussed. The other [illegible] that would require permits also need to be identified. [illegible] relative to the feasibility of the proposal.
- [illegible] shuttle service would help relieve the local street [illegible] however the on-going operation of the service is not [illegible] the cost and revenue sources identified. This [illegible] ATTACHMENT cc.

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OG-14

Biology

B-3, B-4 — 1. The total acreage of wetlands lost by construction of all elements of the project need to be identified. The acreage of access roads, the ultimate flood control channel, locks and rip rap should be identified and mitigated.

B-4 — 2. The proposal to provide a mitigation area that serves primarily as a dredge disposal site, is not adequate. Either use of the site is possible, but not both. If the mudflat is to be a dredge spoil site, then a suitable alternative site must be identified for marsh/habitat mitigation.

B-8 — 3. The number of native trees on the project site and their location should be identified on a map.

B-6, B-5 — 4. Mitigation should be discussed for the impacts of the project on endangered species along Novato creek. The loss of open habitat on deer and other mammals should be discussed.

ALT-2 — 5. An alternate site analysis that complies with Corp. 404 b 1 guidelines should be provided, as well as compliance with other state and federal policies and codes.

Land Use

A-2 — 1. The project is inconsistent with many county policies for Bayfront Conservation Zone and agricultural protection, zoning and flood control. An alternative that provides for a reduced project limited to Headquarters Hill should be considered.

ALT-4

A-5, N-4 — 2. The rationale for commercial uses and the viability of those uses if limited to Bel Marin Keys residents should be discussed more thoroughly. Comparable shopping centers in Novato with much larger service populations are struggling.

PD-1 — 3. Uses proposed for the 7 acre parcel north of Bel Marin Keys Blvd. at the entrance to BMK should be shown on a figure. They are mentioned as "institutional uses", but not described.

Hydrology

E-2 — 1. The ultimate channel flood control option should be more thoroughly discussed. Its impacts on wetlands and endangered species habitat, the cost and responsibility for maintenance should be included.

E-4, E-5, E-7 — 2. Water quality control plans should be prepared for consideration of their effectiveness as part of the EIR process. The marina, the storm water nor golf course operation water quality programs are available and should be.

C.126

N-1 N-2 3. Increased dredging requirements would result from the project. The cost of this dredging should be quantified. The revenues from property taxes going to the county are identified, but whether any of these funds are earmarked for flood control is not mentioned.

Agriculture

M-2 M-3 The viability of agriculture on the site is limited to historical uses. These historical uses should be beyond the 1990 harvest, and the potential for more intensive agricultural uses discussed. The May 10, 1991 letter from Ralph Grossi to Gail Wilhelm should be included in the appendix and referenced.

M-2 The probability of maintaining any agriculture with an area too small to be viable should be discussed and alternatives for the site identified for agriculture.

Public Services

N-1 N-3 The capacity of many of the public service agencies would be exceeded with build out of this project. The responsibility for capital costs for expansion of these facilities should be

P-2 identified. What is the growth inducing impact of added service capacity of water tanks, sewage treatment and road syatems?

A-1 The Environmental Assessment that was done to comply with the Bayfront Conservation Zone was fairly comprehensive and generated a lot of community input. It should be included in the EIR and its conclusions analyzed.

The additional time for review of these documents was greatly appreciated. Thank you for your consideration of these issues raised.

Yours truly,

Susan Stompe

Susan Stompe
Conservation Committee Chair

encl: Grossi letter 5/10/91

American Farmland Trust 1920 N Street, NW Suite 400 Washington DC 20036 (202) 659-5170

May 10, 1991

Gail Wilhelm
21 Hayes Street
Novato, CA 94947

Dear Gail,

Per your inquiry on behalf of the Sierra Club Marin Group recently, I am writing to express my thoughts regarding the productivity of the 1600 acres of land located between Hamilton Air Force Base and the community of Bel Marin Keys.

As you may know, our family farmed that land during the 1970's for a period of about five years. Prior to that period, oat hay had been grown on the land for many years and, during two periods in the mid-70's, experimental crops irrigated with waste water from the North Marin Sanitary District were grown there. Our family was growing a forage mix consisting primarily of oats and vetch as a cattle feed to make into silage. The silage was used to replace alfalfa imported from farmers in the Central Valley and Nevada.

Our experience with this property was that it is highly productive land which responds well to cultural practices designed to improve productivity. Our yields were excellent and the quality of the product produced was as good as any silage produced in the North Bay Area. However, I believe that production of oat hay is one of the least valuable uses of this property from an agricultural standpoint. It certainly has the capability to raise so much more valuable crops. The tenant/landowner relationships on this property though have prohibited such investments necessary to upgrad the farm. If this land were committed to agriculture for the long term, then a farmer would be in a position to make the capital investments necessary to increase productivity substantially. At the time that we were farming this land, my brother looked into the possible production of alternate crops such as lettuce seed and found that this could be a highly profitable crop which would far surpass the income that could be derived from oat hay or silage. The land is capable of much higher levels of productivity but until the cloud of impermanence over the property is removed it is unlikely that any farmer will make the investments necessary to make maximum use of this land.

I feel very strongly that any evaluation of the agricultural value of the land should be based on its potential and not on its recent historical use for the reasons stated above. For more than 20 years the land has been in the hands of speculators/developers who have only been willing to give the tenant short term leases while they were preparing there development plans. That kind of tenancy precludes the proper management of the property for maximum agricultural productivity.

recycled

OG-14

As you know, there is very little land of this quality left in the Bay Area and particularly in Marin County. It is a large parcel that has been farmed for decades and could contribute enormously to the agricultural economy and directly to food production in the Bay Area if given the opportunity. The loss of this property, while not disastrous to the dairy industry, will have a continuing impact on the cattle industry in the North Bay Area because even though the hay currently produced there is being sold primarily to horse breeders and beef cattlemen, it is still a contribution to the total feed supply in the area which the dairies must compete for.

Please feel free to contact me if you have any additional questions.

Sincerely yours,

Ralph E. Grossi
President

REG/sab
cc: Bob Berner, Marin Agricultural Land Trust

C.127

Save San Francisco Bay Association
1736 Franklin St., Third Floor • Oakland, CA 94612 • (510) 452 9261 • FAX (510) 452 9266

OG-15

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1992 NOV -2 P 1:01
MARIN COUNTY
PLANNING DEPT.

October 30, 1992

Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA. 94303
Attn: Tim Haddad

Re: Bel Marin Keys Unit 5--Draft EIR/EIS

Dear Mr. Haddad:

Thank you for the opportunity to comment on the Bel Marin Keys Unit 5 Draft EIR/EIS. Generally speaking, the document is a thorough overview of the environmental impacts which could result from construction of the project or one of the several alternatives described. However, we believe there are some deficiencies in the Draft EIR/EIS which prevent the public from being informed of the full array of potential impacts. We discuss those deficiencies below.

Alternatives Analysis

ALT-2 The document fails to present an adequate range of alternatives for the purposes of Clean Water Act Section 404. The alternative sites analysis required for this federal program is different in several respects from an alternatives analysis required by CEQA. For example, EPA 404(b)1 guidelines include a rebuttable presumption that an alternative project site exists which does not require fill in a wetland. The DEIR/DEIS fails to present an adequate range of non-wetland alternative sites to make a determination regarding that presumption. In fact, the documents on file in the District office of the Corps of Engineers reflect an alternatives analysis very different from that contained in the DEIR/DEIS. Since this document is both a DEIR and a DEIS, it has an obligation to meet the requirements of Section 404.

In fulfillment of that obligation, the DEIR/DEIS should present a range of non-wetland alternatives. Several of the alternatives considered in the DEIR/DEIS are wetland sites, including the single alternative presented in more detailed analysis--the Bahia site. Such an alternatives analysis fails to discharge the document's federal responsibilities.

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C.128

ATTACHMENT jj.

ALT-2 Further, in review of non-wetland alternatives, investigation of projects of reduced
ALT-4 scale should be included. There is no statutory requirement (for purposes of NEPA and the Section 404) which insists that the alternatives analysis only consider a project corresponding to that preferred by the project sponsor. Therefore, alternatives should be presented in the DEIR/DEIS which analyze the impacts of non-wetland, reduced scale projects.

Geology, Soils and Seismicity

Ground shaking is identified by the DEIR/DEIS as the most likely cause of extensive damage during an earthquake. On page 5.138, the DEIR/DEIS describes the "three major factors" which affect the severity of ground shaking at the site in the event of an earthquake: the magnitude of the earthquake; the distance to the fault; and the nature of the geologic materials that underlie the site.

We believe the DEIR/DEIS has neglected to mention the fourth critical factor which determines the severity of damage resulting from and earthquake: the duration of the event. The longer the quake lasts the more extensive is likely to be the damage, particularly to sites and structures located on bay muds. The DEIR/DEIS fails to describe the nature of damage that might be expected to result from seismic episodes of various durations. It simply asserts that,

> *Requirements of the Uniform Building Code (UBC) would be adequate to reduce the potential for structural failure due to ground shaking to an acceptable level.* [page 5.144]

D-2 This conclusory statement in inadequate to provide the public with the information it needs to make its own informed decision. This is particularly true since the DEIR/DEIS clearly states that damage resulting from a seismic event is likely to be more severe at a site underlain by bay mud than at a site located on more stable geologic features. Further, the UBC does not necessarily mandate provision of the best available technology to mitigate seismic impacts. Because of the rapidly changing nature of the science, seismic engineers often have more up-to-date information which has not yet been incorporated into the UBC.

The DEIR/DEIS should provide a description of the nature of the damage which could reasonably be expected to occur as a result of earthquakes of specific magnitude and duration, including impacts of the highest magnitude/longest duration events which might reasonably be expected. The DEIR/DEIS presents estimates of the highest magnitude earthquake which might be expected to occur, but it fails to present estimates of the longest duration event. Again, the DEIR/DEIR provides no descriptions whatsoever of the nature of the damage that might occur. It should be revised to provide such a description.

Public Safety

Consistent with the discussion above regarding Geology, Soils and Seismicity, the DEIR/DEIS should provide a discussion of the public safety impacts of worst-case seismic scenarios. The only discussion provided in the document occurs on page 5.144:

> *The major source of seismic hazards at the site would likely be from non-structural building elements and unsecured materials. Potential damage and casualties could be caused by falling building elements and materials, toppling furniture, overturned shelving, or broken glass.*

D-2
J-7 Again, this discussion is inadequate for the public to determine the nature of the impacts that could occur given the occurrence of an earthquake of a maximum magnitude and duration. It fails to discuss a potential need for emergency evacuation of injured individuals and the likelihood that transportation systems would fail in such an event.

If the DEIR/DEIS has presumed a worst-case scenario and simply failed to communicate that assumption in the document, that omission should be corrected. Nevertheless, the document should still describe the nature of the damage that would result from such an event. It is unacceptable to simply assert that requirements of the UBC reduce risks to an acceptable level. That is a determination which is properly left to the public.

Flood Control

The draft report on Flooding and Draining Issues prepared by David E. Mattern reveals serious deficiencies in the scope of information presented in the DEIR/DEIS. Specifically, after declaring that the flood control facilities considered by the project sponsor "would not have a failsafe mode of operation," the report finds that areas which might be flooded in the event of failure have not been identified. [Appendix
E-2 G.3, page 7.] Further, the report identifies a discrepancy of -1800 cfs between the sponsor's estimate of peak 100-year flow and that of MCFCWD.

The areas subject to flooding under various scenarios should be identified in the DEIR/DEIS. Most importantly, a worst-case scenario should be presented which assumes the 100-year flood event combined with failure of human operation and/or mechanical operation of the flood management system. In addition, the nature of the damage which would be incurred under those various scenarios, both on-site and off-site, should be described.

C.129

Bel Marin Keys DEIR/DEIS
October 30, 1992
OG-15

Fiscal Economics

A discussion of the costs incurred by the Federal Emergency Management Agency (FEMA) in the event of flooding should be included in this section. Developments constructed in floodplains eligible for participation in the National Flood Insurance Program (NFIP) may cause taxpayer subsidy of reconstruction in the event of catastrophic flooding. Though aiming to operate entirely with funding from premiums, the NFIP has a standing administrative authorization to withdraw $500 million from the general treasury to cover costs which exceed premium reserves.

E-2

Experts anticipate that the United States may be entering a period of increased hurricane activity after a relatively quiescent period. Such occurrences as Hurricanes Hugo and Andrew may be early confirmation of those projections. FEMA estimates that a bad storm year could cost as much as $3.5 - 4 billion flood insurance claims. As of July 1992, FEMA had $400 million in flood insurance reserves. All taxpayers will be required to foot the bill in the event that costs exceed reserves. Such an impact should be identified and described in the DEIR/DEIS.

Biological Resources

The DEIR/DEIS should state clearly that the U. S. Army Corps of Engineers recognizes that wetlands it identifies for jurisdictional purposes pursuant to the Clean Water Act do not represent the full extent of ecological wetlands which may exist on site. Though the document states that the EPA and Fish & Wildlife Service may disagree with the jurisdictional determination made by the Corps, it fails to point out that the Corps does not claim to assert regulatory authority over all
B-1 ecological wetlands. Therefore, additional wetlands may exist on site which are recognized by agencies other than the Corps. These wetland may provide habitat, sediment trapping, pollution filtering and other wetlands functions. Discussion of this factor, *including specific reference to the Corps' disclaimer regarding the extent of its authority*, should be included in the chapter on Biological Resources. In addition, Impact B.2 should be modified to state that other wetlands on site may be lost which are not recognized as jurisdictional by the Corps.

The DEIR/DEIS accurately identifies the lack of certainty associated with creating perennial mudflat. Even the mitigation suggested by the consultant (additional design work, page 5.46)) cannot assure that the mudflat project has a reasonable chance of success. Consequently, this proposed mitigation cannot be predictably relied upon to offset the loss of any biological resources damaged by the project.
B-4 This should be clearly stated in any discussion of the mudflat proposal.

Further, any reference which declares that species inhabiting mudflats will experience an increase in habitat should be removed (see page 5.36, bottom of page, among others.) It is not reasonable to assert that there will be an increase in mudflat habitat if the success of the mudflat creation project is in doubt.

OG-15 5

Again, thank you for the opportunity to comment on the Bel Marin Keys DEIR/DEIS. We appreciate your thoughtful consideration of our remarks. We intend to provide additional comments on the merits of the project, at the local, state and federal level, as future hearings are held.

Very truly yours,

Marc Holmes
Program Director

NORTH MARIN FEDERATION

P. O. BOX 313 NOVATO, CA 94948

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[illegible] Kelly, Pres. 892-9870
[illegible] Pond, V.Pres. 883-9116
Ed Schulze, Treas. 897-8969
Jane Ferrante, Secty. 898-1867

October 30, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, 308
San Rafael, CA 94903

Dear Mr. Haddad:

Following are our comments on the Draft EIS/EIR for the proposed Bel Marin Keys Unit 5:

Hydrology, Drainage and Water Quality

1) The third flood control project mentioned on page 5.155 of the DEIS/EIR should be fully analyzed/evaluated even though it was not included in the initial application from the Project Sponsor. This analysis should be completed prior to finalizing the DEIS/EIR.

2) What are the cost ranges and cost/benefit ratios for the development and maintenance of the three flood control alternatives?

3) Who is going to be responsible and what are the maintenance costs associated with the various flood control measures/features and mitigation measures including dredging, disposal of dredge material, retention basin, sediment and grease traps, etc.. related to this project. The DEIS/EIR needs to clearly delineate the roles and responsibilities amongst the Flood Control District, the Bel Marin Keys Community Services District, and the Homeowner's Associations and sources of funding for maintenance of flood control and mitigation measures. E-2

4) Is the Project Sponsor going to provide bonding mechanism or financial assurance in the event the proposed flood control project and/or mitigation measures do not adequately provide flood control and mitigate impacts? We urge the agreement to be entered into by the County and Project Sponsor for the construction and maintenance of the flood control project and mitigation measures to include a requirement for a bond of performance to ensure that the flood control project and mitigation measures adequately handle the flows and mitigate impacts.

C.131

ATTACHMENT tk.

5) The Project Sponsor has proposed on page 5.157 in the DEIS/EIR to dispose of the dredged material on a 377 acre portion along San Pablo Bay which would accommodate 3.5 million cubic yards of material. Additional alternatives for disposal of dredged material should be delineated and evaluated in the event this proposed site/alternative is not acceptable to the regulatory agencies. This is especially critical since permits for disposal of dredged material are issued with limited time duration and cannot be guaranteed throughout the life of the project. E-3

6) The DEIS/EIR mentions that the proposed flood flow routing through lagoons, seasonal marsh and managed mudflat areas would be designed to keep water levels low enough in Novato Creek and lagoons to prevent flooding. The DEIS/EIR also clearly states that a number of factors and unresolved issues could significantly affect the feasibility of the system. These issues listed in E.1 need to be resolved prior to finalizing the EIS/EIR. E-2

7) The water quality impacts of the golf course being located near to a surface water body and ground water and any habitat area is of concern for increased pesticides, nitrates and other pollutants associated with golf course use. The DEIS/EIR mentions the mitigation measure of no applications of pesticides and herbicides, but the DEIS/EIR does not address who is going to monitor and enforce this mitigation measure. In addition, the DEIS/EIR should address and provide mitigation measures for fertilizer use which will increase the nitrate levels in both surface and ground waters and affect the beneficial uses of these water bodies and associated habitat areas. E-4

Geology

8) What has been the settlement of Bel Marin Keys 1-4? The DEIS/EIR only mentions the current elevation of the existing homes. The DEIS/EIR should extrapolate the settlement that has occurred with Bel Marin Keys Units 1-4 over the years to the proposed development of Bel Marin Keys Unit 5.

9) How will the differential settlement within the proposed Bel Marin Keys Unit 5 affect structures and drainage? The DEIS/EIR should have included the complete geotechnical and subsurface investigation along with an analysis on potential impacts on the proposed development. Other projects (e.g. Vintage Oaks, etc) with similar characteristics used state-of-the-art techniques to minimize settlement and should be investigated for transfer of information/techniques to reduce settlement throughout the project. D-1

10) The soils (bay mud and any dry fill imported) proposed for use as fill for the project need to be analyzed for the CERCLA hazardous substances, pesticides and fertilizers to ensure that the soils are NOT considered hazardous using the TCLP test and will NOT affect water quality. The DEIS/EIR needs to describe the proposed D-1

OG-16

D-1 location where soil will be obtained from, the soil type and quality and it's compatibility with bay mud for use as fill for the project area. In addition, the DEIS/EIR needs to articulate the placement of the fill to minimize the differential settlement due to multiple types of fill.

D-1 11) The DEIS/EIR has not adequately described the number of trucks needed to import the fill and the associated environmental and human impacts.

E-7 12) The mitigation measure for educating residents about pollutants and non-point source pollution is NOT adequate mitigation for the proposed impacts associated with runoff from the project. Measures to control and enforce specific standards including water quality from storm drains should be specifically listed and implemented by the project sponsor.

Air Quality

F-1 13) The DEIS/EIR recognizes that construction and occupancy of the proposed project is inconsistent with the Clean Air Plan since population proposed for the project will exceed ABAG estimates and that the increased air emissions will delay attainment of the ambient air quality standards. The DEIS/EIR classifies these impacts as a Class III level of significance which states that these impacts are "insignificant, no mitigation measures required; or insignificant following application of mitigation". These impacts are improperly classified since the attainment of necessary permits from regulatory agencies (i.e. NPDES, Waste Discharge Requirements, etc..) may be affected and jeopardized according to the Clean Air Act of 1990.

C-1 C-3 14) The DEIS/EIR mentions the Sonoma Ferry and light rail systems as feasible mitigation measures, but in fact are not in place nor have they gone through the planning and permitting processes. The remaining measures are not complete and are not acceptable in mitigating the air quality impacts projected with the proposed project alternative. The DEIS/EIR should provide more information

C-4 on the proposed shuttles and other alternatives to increase use of public transit including but not limited to cost, sources of funding, management responsibility of the shuttles, etc..

Compliance with Applicable Plans

A-3 15) The proposed project is inconsistent with the Sonoma Countywide Plan. Since the Port Sonoma ferry is not provided for in the Plan, the project sponsor needs to re-evaluate the remaining issues to ensure consistency with the Plan.

MIT-1 16) The DEIS/EIR states on page S.23 "Several key mitigation measures identified by the Project Sponsor are of questionable feasibility and/or depend on approvals and actions of other

MIT-1 agencies and jurisdictions." Basing on DEIS/EIR on contingencies that are unknown is NOT acceptable. What happens if the proposed mitigation measures are not feasible or do not get the necessary approvals? The DEIS/EIR needs to list at least some mitigation measures that are within the control of the project sponsor to ensure that the impacts are in part mitigated for.

A-5 N-4 17) The need for a commercial center located on the proposed project site needs to be demonstrated. The impacts associated with constructing the commercial center appear to be greater than the demonstrated need. The DEIS/EIR needs to analyze the need and other locations "offsite" (e.g. Bel Marin Keys Industrial Center) as proposed earlier.

Alternatives Analysis

PD-1 18) How was the density formula arrived at? It appears that the commercial area, golf course etc.. are being included in (Table 3A-1 in DEIS/EIR includes total acreage of 1610 acres) arriving at this figure. Constructing 1190 units on 174 acres totals a density factor of 6.8. This requires clarification in a supplemental EIS/EIR.

MIT-1 19) The cost, funding source and responsible entity for the mitigation measures should be articulated especially for the BMKCSD and Homeowners Associations. It seems that there are many items that require follow up and there is not a comprehensive listing along with the responsible entity.

P-1 20) The DEIS/EIR needs to provide for mitigation measures on the growth inducements associated with the ultimate flood control.

C-5 COR 21) There seems to be some inconsistencies/confusion on trade offs between internal and external trips (see page 3.12).

E-3 22) The DEIS/EIR mentions that Bel Marin Keys Unit 5 is being considered the long term solution to the disposal of dredge material. We question whether this is a short term solution in that it provides for the disposal of a finite amount of dredged material. What is the carrying capacity of the project site for disposal of dredged material? The DEIS/EIR needs to provide alternatives for long term solutions including the re-use and/or disposal of the dredged material.

B-12 23) The DEIS/EIR did not evaluate other alternative uses for the dredged material including, but not limited to, agriculture, etc.

D-1 24) The DEIS/EIR did not provide an analysis of importing fill versus fill from project site has not been fully evaluated in terms of noise, air pollutants, traffic associated with importing fill.

PD-1 J-1 J-6 | 25) The DEIS/EIR mentions that the existing lagoon is considered "waters of the United States" and is open to the public. Public access to "waters of the United States" and recreational areas is important. We question whether the existing lagoon is really accessible for public use.

Public Services and Utilities

J-4 | 26) Have the public health agencies con[illegible]d on the use of reclaimed water for the golf course? It [illegible]nderstanding that public health officials are divided on w[illegible] this is acceptable considering golf courses provide for direc[illegible] public contact.

K-1 | 27) The DEIS/EIR does not address the municipal sludge that will be generated by this project. The document did mention the flow capacity at the treatment facilities, but fails to address the additional municipal sludge that will necessitate disposal or re-use.

N-6 | 28) What impact and mitigation measures will be proposed for the existing school system if project size is reduced to point where the new school is not triggered by this project.

Noise

G-1 | 29) The additional traffic generated by this proposed project will impact the noise level along Bel Marin Keys Blvd. Since existing noise levels already exceed noise levels recommended for residential uses (see page 5.187), the proposed project will contribute to and adversely impact noise levels which should require mitigation and/or buffering. Bel Marin Keys Blvd is a major transportation route and a major noise source for the existing units. The additional traffic along Bel Marin Keys Blvd will significantly impact Units 1-4 and should be considered a Class II level of significance NOT a Class III therefore requiring mitigation.

G-2 | 30) The location of the new school, senior housing, outdoor recreational area and parks should be identified during the EIS/EIR stage. This is especially critical since these facilities feature "sensitive receptors" and need to be located away from high dB rating areas. The location of these facilities may significantly alter the design and/or scope of the project.

G-3 | 31) The DEIS/EIR did not evaluate the water-related noise associated with the use of boats etc. especially since the project proposes an additional 200 berth marina. The DEIS/EIR also needs to propose mitigation measures for this noise impact.

CN | 32) We are pleased to see the construction-related mitigation measures proposed; and, the deed notification associated with potential airport use at Hamilton.

Energy

I-1 | 33) Mitigation measure Table S-1 does not include energy. Proposed mitigation measures 5.223 through 5.224 should be included in the Table as Class II level of significance. Even though federal and state standards are not established for energy use and conservation, the project should implement energy saving suggestions. One could argue that these impacts are Class II not Class III in that this project will encourage activities resulting in use of large amounts of fuel and energy.

I-3 | 34) Title 24 California Code of Regulations requires energy standards apply to new construction. It is unclear on Table 5.1-1 (page 5.222) what the estimated allowable energy budget is in comparison to consumption.

I-4 | 35) Estimated consumption did not include energy needed to pump water onto the site in the north then off site in the south in order to create the 2" to 6" sheet of flow of saltwater for flood control. The DEIS/EIR needs to include this significant amount of energy needed to move water to provide for flood control.

Transportation

COR | 36) The diagrams of a new northbound on-ramp at Nave Drive are wrong. According to a CalTrans Project Study Report in 1989, the northbound on-ramp would be north of the northbound off-ramp. Traffic movements should be better described at Nave Drive northbound off-ramp and on-ramp.

C-9 | 37) Funding of "the ultimate street system" needs to be quantified. The project sponsor commits to only a "proportional share" of most of the major improvements. Estimates of costs are needed with the projected proportional share of the project. How much other development would be needed to fully fund needed mitigation? Is this growth inducing?

MIT-1 | 38) Cost, source of funding and responsible entity for ongoing monitoring and maintenance should be articulated in the DEIS/EIR.

Housing

PD-1 O-1 | 39) The revised DEIS/EIR or Final EIS/EIR should clarify how much affordable and below-market housing would be provided with the proposed project. It is unclear what senior housing and first-time buyer housing would cost.

Biology

B-3 B-4 | 40) The DEIS/EIR does not clearly account for wetland loss. The DEIS/EIR estimates 116 acres, however, it does not include other wetlands associated with the construction of access roads, flood

B-3 B-4 control channel, lock and associated riprap. In addition, the DEIS/EIR should provide for mitigation measures for these wetland losses rather than leaving it for consultation with the regulatory officials. It is critical that the public have an opportunity to evaluate and comment on the adequacy of the mitigation measures.

Miscellaneous

A-1 41) It is unclear to what extent the DEIS/EIR considered the Environmental Assessment produced for this project in compliance with the County's Bayfront Conservation Zone. There should have been additional consideration given in the DEIS/EIR to the alternatives and constraints delineated in the Environmental Assessment.

N-2 42) The revenues generated by the proposed project may not offset costs for increased services required by the Community Services District. The DEIS/EIR needs to provide additional mitigation measures during the public participation process.

Prepared by,

Patricia D. Eklund, Vice President
North Marin Federation

Approved by,

Evalyn Kelly, President
North Marin Federation

cc: U.S. Army Corps of Engineers
District Engineer

Bel Marin Keys Community Services
District



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OG-17

October 30, 1992

Marin County Planning Department
3501 Civic Center Drive, Rm. 308
San Rafael, CA 94303

Att. Tim Haddad

Re: Bel Marin Keys Unit 5, PN 15813 N33A

Dear Sirs/Mesdames:

On behalf of the Sierra Club, San Francisco Bay Chapter, I have the following comments on the draft EIR/S for the referenced project:

PD-1 O-1 1. The descriptions of the housing component in the draft on pages S.3 and 2.7 are unclear, incomplete, and somewhat misleading. It is stated that only 800 out of 1,190 units will be sold at market rates, and thus implied that the remaining units will be sold at below market rates. Subsequently it is stated specifically that 80 town homes will be designated as below market rate. Does this mean that the other 210 town homes will be sold at market rates? The fact that 6.7% of the units will be for median income households, 25.2% for households with income 20% above median income, 67.2% for high income households and none for low income households is buried on page 5.292 under "Population, Housing and Employment". This suggests that the project proponent is not prepared to subsidize any housing, but this fact should be made clear.

O-1 There is no description of the size or other characteristics of the so-called "affordable" townhouses, built to sell at $250,000. (first time buyer) $237,000. (senior citizen) and $145,000. (below market rate). More information on the affordable homes component of the project should be provided.

ALT-2 2. The draft does not specifically and clearly explain (on page 4.52 or elsewhere) that the core purpose of the project is housing, that housing is not water dependent. The draft should clearly explain that a golf course, wildlife habitat, marina or lagoons do not constitute justifications for building housing in wetlands, and that wetlands fill should not be permitted unless the developer clearly shows that there is no practicable alternative location for the housing part of the project (minus the amenities, and reduced in size if necessary).

B-1 3. The draft refers to the determination by EPA that as much as 969 acres of the site should be subject to Corps of Engineers jurisdiction under section 10 of the Rivers and Harbors Act and section 404 of the Clean Waters Act (pp S.25, 5.24) but does not show where these areas are, explain what restrictions would apply to the areas outside the 116 acres of wetlands delineated by the Corps, or set forth an alternative project which would take these restrictions into account.

ALT-3 4. The "Reduced size alternative" set forth on p.3.30 and its impacts are inadequately discussed. There is, for example, no indication where on the site development would occur in relation to wetlands, or whether a buffer zone of adequate size would be left around the wetlands. It is difficult to understand how the draft can conclude (Table 3.D-1) that all significant impacts can be mitigated.

ALT-4 5. The criteria established to identify offsite alternatives (p.3.50) are unduly restrictive in the following respects: (a) Federal law does not restrict alternatives to Marin County, and under California law it is only one of many factors that the County may (but need not) take into consideration. This cannot be given as justification for rejecting sites in Sonoma County or Novato. (b) There is no justification for establishing a minimum of 200 acres. The draft does not disclose whether this is based on 1190 residential units. The developer must consider a project of reduced size even if it would result in a reduced profit. (c) It should not be required that the alternative be "capable of providing low income housing" since none has been proposed. (d) Since the proposed (preferred) project is inconsistent with so many Marin County policies, it is hard to see why alternatives examined must conform to any existing Marin County Plan or zoning.

ALT-2 6. The project proponent has not done an alternatives analysis of the feasibility of onsite or offsite alternatives described in the draft EIR/S. Examination of the draft Alternatives Analysis dated December, 1991 (the only such document available for review in office of the Corps) reveals that it is totally inadequate in at least the following respects:

- Most onsite and offsite alternatives examined are different from those referred to in the draft EIR/S.
- The analysis considers only a planned community of no less than 1190 residential units with commercial and recreational amenities.

The EIR/S is not adequate unless an alternatives analysis has been done and at least summarized in the draft so that concerned persons and agencies can comment. The draft fails to meet this test. It does not demonstrate that there is no feasible alternative offsite or onsite that would avoid fill of the wetlands or other severe environmental impacts.

PD-1 PD-3 B-3 7. Among the "issues to be resolved" (pp s.23-s.25) are flooding control and secondary access. The alternatives suggested could have serious adverse environmental impacts which have not been analyzed and for which no mitigation has been proposed. For example, it is suggested that roads accessing the project from highway 37 and Hamilton Field will impact wetlands but since there is no specific alignment for these roads, the impact cannot be evaluated for avoidance, minimization or mitigation. It will therefore be necessary to issue a supplemental draft EIR/S covering these critical matters.

C.135

ATTACHMENT bb.

B-6 8. The second paragraph on page 5.19 states that endangered species (salt marsh harvest mouse and rails) may use patches of pickleweed on the inboard side of levees abutting Novato Creek and San Pablo Bay. Loss of this habitat is not identified as an adverse impact and no mitigation is proposed.

9. Mitigation alternatives are incomplete, inadequately analyzed, and lacking in adequate professional support.

Under "Impact B.2" on page 5.36 it is stated that proposed mitigation would increase habitat units for migratory shorebirds, dabbling ducks, herons/egrets and diving waterbirds. Subsequently the draft casts doubt on this statement by disclosing that the authors of the habitat plan to create a mudflat have doubts about its success. [p. 5.46] In addition, questions about the stability of the outer levy, temperature and salinity variations of water pumped onto the managed mudflat, and temporal loss of habitat have not been analyzed. Like many other subjects mentioned in the draft, the mitigation proposals seem to be mere "trial baloons" given cursory treatment because they have not been adequately studied and probably will not work.

B-4
B-5

The project proponent virtually admitted this when his representatives indicated at both Planning Commission and Corps of Engineers hearings that an alternative not discussed in the draft would probably be proposed: the restoration of some substantial portion of the site to tidal marsh. Whatever the merit of this suggestion, it is clear that actions required to restore tidal marsh would make a significant difference in the impact of the project and could themselves have a significant impact on the environment. Thus it would be necessary to prepare and circulate a new or supplemental draft EIS/EIR in which the restoration proposal is analyzed and the temporal and permanent impacts described.

B-13 No mitigation measures have been proposed for the impact of increased boat traffic in Novato Creek or in San Pablo Bay. For the Creek, the only suggestion is the need for a stream alteration agreement to minmize riprapping. (mitigation measure B.11)

B-5 The suggestion that the reduction of 1610 acres to 247 acres of open space constitutes any mitigation for loss of raptor foraging habitat (p.5.47) should be explained.

B-3 10. If the proposed shuttle bus service, light rail station, or Port Sonoma Marin ferry are to be considered as part of or as partial mitigation for the proposed project, a supplemental EIR/S should be prepared setting forth all details and impacts including the impacts of dredging associated with installation and maintenance of ferry service.

In summation, the draft is deficient in its description of many important elements of the proposed project and does not provide sufficient information upon which to base decisions by responsible agencies.

We thank you for your consideration of our comments.

Very Truly Yours

Totton P. Heffelfinger
Chair, Wetlands Committee

6. Transcripts 

MARIN COUNTY PLANNING COMMISSION MINUTES
SEPTEMBER 14, 1992
Marin County Civic Center, Room #319 - San Rafael, California

Commissioners Present: Arlene Evans
Jerry Friedman
Barbara Garfien
Jan Alff Wiegel
Ron Marinoff
Deborah Rowland

Commissioners Absent: Barbara Fuchs

Staff Present: Mark J. Riesenfeld, Planning Director
Carol Williams, Assistant Planning Director
Andrea Bonner, Planner
Dain Anderson, Principal Planner
Johanna Patri, Planner
Dean R. Powell, Senior Planner
Alexandra Morales, Planning Commission Secretary

Convened at 9:35 a.m.
Adjourned at 1:25 p.m.
Reconvened at 2: 20 p.m.
Readjourned at 5:15 p.m.

C.137

TR-1

11. DRAFT EIR: BEL MARIN KEYS

Hearing to consider public testimony on the adequacy of the Draft EIR for Bel Marin Keys Master Plan/Rezoning. The proposal is seeking approval to construct a water oriented, planned residential community on an approximately 1,610 acre baylands site. The project is for construction of a 1,190 residential unit marina type development with the proposed 152,000 sq. ft. neighborhood commercial retail center, 13.5 acre golf course, 50,000 sq. ft. community center, and 200 berth marina and restaurant. The proposed project would include the development of 800 market rate homes and 390 affordable units, with a 25% density bonus based upon the provision for affordable housing. The development is designed around a series of lagoons connecting to San Pablo Bay which will provide water transport and recreational opportunities, including waterskiing areas. The proposal also allows for a potential site for school and/or fire station development. In addition, the developer proposes development of a ferry site at Port Sonoma for commuter transportation, a shuttle service to Golden Gate Transit, a light rail station, bike paths, and a child care center. The project site is located in the unincorporated portion of Marin County and is surrounded by the existing development of Bel Marin Keys, Unit 1 - 4, and Hamilton Air Force Base. Access to the site is interchange. The subject property is further identified as Assessor's Parcel Nos. 157-171-07, 157-172-07, 08, 35, 36, 37 and 38.

Commissioner Friedman polled the Commission on the request of granting a 45 day extension to the comment period. The Commission agreed to grant an extension and hold a second hearing on November 2, 1992.

Dain Anderson, staff planner, stated that the purpose of the hearing was to receive testimony on the adequacy of the Draft EIR/EIS prepared for the Bel Marin Keys (BMK) proposal. He briefly summarized the major components of the proposed project.

Staff introduced Susan Ryan Johansson from the Army Corps of Engineers who was present to respond to any questions.

Hearing was opened to public testimony.

CN Gordon Jacoby, Venture Corporation, project sponsor, stated that the project was designed to address three major areas: 1) a strong commitment to local planning priorities - housing, habitat, affordable housing, flood control, and dredge disposal areas; 2) a commitment to sustainable development; and 3) to go beyond the needs of the project - transportation. Regarding transportation, he stated that the document gives scarce attention to the efforts made to achieve less dependence on transportation. These efforts include a light-rail transit system, a ferry system, the senior program of 100 homes, and the community shopping center.

A-4 A-2 B-4 B-5 Laurie Waybum, LSA and speaking on behalf of the project sponsor, stated that Countywide Plan, Bayfront Conservation Plan, and state and federal policies for wetlands are not well served by the Draft EIR based on recommendations for habitat type, quality, and achievability of the goals as recommended in the EIR itself. The type for type replacement for wetlands is inadequate. Restoration of the site should be back to tidal salt marsh that is the historical type. The level of mitigation recommended is too small (3:1 ratio). The project sponsor is willing to consider setting high standard mitigations in terms of the ratio of wetlands (7:1 ratio), and type and creativity.

O-2 Lynn Sedway, Sedway Associates and speaking on behalf of the project sponsor, stated that, in her opinion, the EIR fails to emphasize the importance of affordable housing to be provided by the project. The proposed percentage (33%) is the highest percentage ever proposed in the County and throughout the Bay Area. The EIR also states that the housing need in the unincorporated areas of the county is only 641 units, however ABAG has included this project under Novato's housing need. The EIR should clearly discuss the need for on-site affordable housing, the number of people commuting into the county for jobs, and the need to have housing for public safety officials.

C-10 Kathy Miner, concerned resident, commented regarding traffic and its impact on the quality of life on all BMK's residents. The EIR fails to address traffic flow from the proposed perimeter road onto the existing Bel Marin Keys Boulevard. Since the density of the BMK area would be doubled, the EIR should address the
C-2 necessity of a second access road for safety in case of an emergency or disaster. Additionally she asked
C-5 whether the fact that the industrial park is not at full capacity was taken into consideration during the traffic studies.

J-1 Dave Capper, concerned resident, commented regarding recreational usage of the lagoon, stating that future development impact on recreational safety has not been analyzed. If public access to the lagoon is encouraged the recreational situation and safety issues will be significantly catastrophic. Water safety issues should be analyzed to ensure necessary standards are maintained.

B-4 Daniel V. Grinnell, concerned resident, agreed that the loss of habitat should be replaced with tidal wetlands.
E-2 Additionally, he commented regarding potential flood control measures.

B-9 Scott Thayer, concerned resident, stated that the Draft EIR should examine what the impacts will be on migratory birds' patterns during the excavation and grading period of the project (nine years minimum).

GEN-3 Frances Rosenstein, concerned resident, expressed concern regarding potential traffic congestion, noise, and increased use of the lagoon.

B-2 Mathilde White, concerned resident, stated that a development of this size will impact the environment and reduce the amount of open space, which is contrary to the efforts to preserve open space, marshland and agricultural areas contiguous to the bay.

O-1 Lisa Parnham, concerned resident, stated that the Draft EIR should discuss the resale value of the affordable
A-2 housing units in its present configuration (three segregated islands). Additionally, the document should discuss
A-1 compliance of affordable housing with Policy C-3 of the Countywide Plan. She concluded by asking why the EIR/EIS propose 900 homes when the EA adopted in 1990 concluded that Unit 5 should remain undeveloped.

A-1 Leda Thayer, concerned resident, asked that the EIR/EIS address the following issues: 1) why was the project sponsor allowed to complete and submit development plans prior to the conclusion of the EA as required by Policy C-1.9 of the CWP; and 2) the EA's conclusion that Unit 5 should not be developed, except for the headquarters hill area. In her opinion, if proper procedure had been followed, Venture Corporation would not be wasting time and money on this project.

A-2 Margaret Meaks, concerned resident, stated that the configuration of the affordable housing is inconsistent with
O-1 CWP policies. The Draft EIR should evaluate the reality of retaining senior housing over time since property can be sold or inherited by relatives. Additionally, she questioned the financing program for senior housing.

C-2 Ms. Meaks made the following comments: 1) will there be an emergency access from Bel Marin Keys
C-13 Boulevard since the perimeter road will not be constructed until Phase 3; 2) will a new bridge replace the existing bridge or will it be rebuilt, and who will pay for it; 3) is it possible to prevent the proposed emergency road connecting Bel Marin Keys Boulevard from becoming a commuter thoroughfare; and 4) is one
J-3 lock adequate for an additional 1,190 new residences - currently there are two locks for the existing 600 residents.

A-1 Robert Farnham, concerned resident, stated that the EIR should: 1) address the impacts of overturning the BPC
A-2 policies on the future protection of BPC lands - dredging and diking of lagoons which are not a public benefit, must not be permitted; 2) address the fact that the project sponsor prepared and filed an application prior to the
C-2 completion of the EA; 3) include a preliminary engineering study showing Mclnnis Parkway; 4) indicate where the perimeter road will be located should HQ Hill be deeded to the West Family, and what impacts of this
A-1 property transfer would be; and 5) address the findings of the EA approved in 1990 that conclude that the site
B-4 should remain undeveloped. Additionally, he stated that the seasonal marsh will be 21 feet below sea level if the dike, as proposed, is constructed.

ALT-1 H.A. Fierstein, concerned resident, made the following comments: 1) no sketches for the alternatives
ALT-3 discussed were provided - an important issue on these alternatives is safety and water skiing; 2) the EIR should
GEN-3 discuss what happens if BMK does not obtain a permanent dredging site and/or what happens if they do not get a larger tax base to pay for dredging; 3) flood control - the preferred alternative would be the one using the
E-2 channel rather than the lagoons; 4) another alternative to be considered would be putting a lock that would use the alternative channel for the main float to cut down the need for future dredging; 5) traffic figures are
C-5 inconsistent throughout the document; and 6) there is no discussion regarding analyzing the intersection of Bel Marin Keys Boulevard and the new collector road, and no access through Hamilton. He concluded by asking
ALT-3 what the alternatives are, how a project can be done to determine whether or not the merits of the project can be voted on.

ALT-1 Totton Heffelfinger, Sierra Club, commented on the inadequacies of the analysis of alternatives that would
ALT-3 avoid fill of wetlands and minimize other adverse impacts to the environment. If the policy to avoid adverse
ALT-4 impacts to wetlands is overridden by other compelling considerations, it should be made clear in the Draft EIR. The final document must provide a basis for choosing an alternative that will avoid or minimize adverse environmental impacts.

J-1 Don Cumberland, concerned resident, asked that the EIR address the inadequacies of the closed waterways and impacts on residents. The proposed configuration will eliminate recreational water uses.

CUM-1 David Sowers, Vice-Chairman of BMK Advisory Board speaking as an individual, asked that the following issues be addressed in the EIR: 1) cumulative impacts be addressed in the EIR should the Hamilton (1150 units), Renaissance Estates (150 dwelling units and a golf course), and the proposed project (1,190 units) be
O-1 developed; 2) justify why it would be appropriate to provide affordable housing on environmentally sensitive,
A-1 water front properties with extremely limited access; 3) what are the basis of the evaluation of the project and why they disagree with the conclusions of the EA adopted in 1990; and 4) another alternative with no
ALT-4 commercial facilities, but with community amenity facilities.

E-1 Robert Matson, concerned resident, stated that the EIR should discuss the potential effects of increasing the total BMK lagoon volume with the addition of Unit 5 on the ability to flush within the time span of normal tide changes. He concluded by stating that keeping the lagoon clean is very important to the water sports now taking place.

J-10 | Bernard Jacobs, concerned resident, expressed concern regarding toxic waste drainage into the lagoons resulting from rain waters that would normally spill on the fields. Currently, in some of the small end portions of each of the channels, there is an accumulation of toxic waste.

A-1 | Glen Alborigi, concerned resident, stated that the proposed project is inconsistent with the conclusions of the
A-5 | EA, would change the residential character of the community by adding commercial and recreational uses, and
C-2 | would create traffic problems. Should development be allowed, a second access through Hamilton should be
ALT-3 | mandated. The EIR should do a detailed study of the reduced size alternative (160 units).

GEN-3 | Eugene Yager, concerned resident, objected to the proposed configuration of the project.

GEN-3 | Charlotte Maurer, Chairman of BMK Planning Advisory Board, submitted her comments in writing dated September 14, 1992, highlighting some of the issues of concern regarding: traffic and transportation, public access, community management, EA adopted in 1990, development schedule, financial risks, project alternatives, annexation, hydrology, and water consumption.

O-2 | Charles Nicolosi, concerned resident, stated that the EIR understates the importance of affordable housing.

O-2 | Mary Murtagh, Ecumenical Association for Housing, underscored the importance of affordable housing. In her opinion, the EIR does not adequately address this issue particularly in regard to the jobs/housing balance. The fact that this project provides 33% affordable housing is remarkable.

A-2 | Barbara Salzman, Marin Audubon Society, stated that the Draft EIR should address the BFC zone. The most
ALT-7 | preferred alternative is the reduced size alternative. However, it is recommended that this alternative be modified to eliminate the need for a fire station and a school, and which does not need a lagoon.

B-14 | Ms. Salzman commented on the lack of adequate figures necessary to assess the adequacy of mitigation
E-2 | measures. Additionally, she asked that the following issues be addressed: 1) flood control mitigations are not
B-3 | acceptable - what is the location; 2) what will the impacts from the ferry be on wildlife habitat; 3) explain why
B-4 | this is a shorebird habitat and not a dredge disposal site; and 4) the project sponsor should have presented tidal mitigations as part of the project - there may be safety, odor, aesthetic, and habitat value problems. She concluded by presenting a letter from Ralph Grossi dated May 10, 1991, regarding agricultural issues and asked that it be responded to.

A-3 | Commissioner Friedman noted a letter from the Sonoma County Planning Department that states that the proposed ferry service in Sonoma is inconsistent with their general plan. In their opinion, the project does not justify this mitigation.

C-8 | George Youngerman, concerned resident, expressed concern regarding traffic patterns. In his opinion, the document does not consider other developments currently in process (Baywood Canyon, St. Vincent's, LucasFilm, Hamilton Field, Rush Creek Estates, Renaissance Estates, Bahia, Gnoss Field, Vintage Oaks, the Buck Center, and Marin Coast Golf Ranch).

GEN-3 | Vic Cushy, Hamilton Reuse Committee, expressed concern regarding transportation and wetlands. He noted their letter dated July 24, 1991, stating their concern was not addressed in this document.

J-1 | James Wilson, concerned resident, stated that, due to the configuration of the project, the only area feasible for
C-13 | water skiing is right behind his house. Additionally, he asked that a separate access road for construction purposes be provided.

C.139

N-1 |
N-2 | Margo Rooms, concerned resident, submitted in writing her comments and stated that the EIR should address
A-1 | fiscal impacts regarding the creek and the lagoons. Additionally, she asked why the EA was neither followed nor adequately addressed in the EIR.
Hearing was closed to public testimony.

Commissioners Garfinkle and Afifi-Wiegel stated that they will submit comments in writing. Additionally, Afifi-Wiegel asked the project sponsors to submit the following information:

B-4 | · Written statement as to what they mean by restoring diked wetlands to tidal marshes and a
· description of the geographical location, the feasibility of accomplishing this, and the advantages as they see it to the habitat vs. that which is presently proposed; and

ALT-1 | · visual graphics of the other alternatives.

Commissioner Rowland:

GEN-1 | · Document is very difficult to read.

N-2 | · Provide information on how the BMK Community Service District will operate, and how it will tie into this project. In the past, BMK has kept waterways private; the proposed project will open them to the public.

J-1 | · Given the number of docks proposed, the water skiing area will be too small.

K-3 | · What will be the school impacts? What will be the school impacts if the Hamilton project goes through?

Commissioner Evans:

G-4 | · A noise mitigation which does not allow construction on Saturdays may be considered.

B-4 | · Plans for Dredge Spoil Sites and Managed Mudflat - What are the impacts of a managed mudflat? Provide more information.

ALT-4 | · Consider another alternative that focuses on the EA recommendations. As an alternative, consider an alternative addressing the impacts on recreational spaces. Is there another configuration that maximizes recreational use.

Commissioner Friedman:

GEN-1 | · The Draft EIR is very difficult to follow. Information is redundant throughout the document, and many important issues were omitted.

A-1 | · Even though a significant amount of time and work was put into the EA, the EIR does not recognize that work, and should incorporate the EA's recommendation and findings.

E-2 | · The issue of Flood Control was not properly addressed.

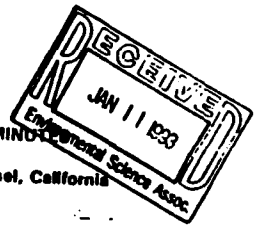
B-1 • Provide more information on what will happen given the fact that EPA and the Fish and Wildlife Agencies believe that all areas below the elevation of mean high water should be under Corps of Engineers jurisdiction. Will it result in deadlocks between agencies' jurisdictions that will not come to an agreement?

The Commission commended the public for the well organized and clear presentation.

M/s Evans/Rowland: Move to extend the comment period for 43 days and continue this hearing to November 2, 1992. Motion carried 6-0. (Commissioner Pacha was absent.)

TR-2

bcc: KW
NBD
(Note: P.76 recv'd. as is)



MARIN COUNTY PLANNING COMMISSION MINUTES
NOVEMBER 2, 1992
Marin County Civic Center, Room #319 - San Rafael, California

Commissioners Present: Arlene Evans
Jerry Friedman
Barbara Fuchs (out for items #1-7)
Barbara Garfien
Jan Alff Wiegel
Ron Marinoff (out for item #1 and 2)
Deborah Rowland

Commissioners Absent:

Staff Present: Mark J. Riesenfeld, Planning Director
Carol Williams, Assistant Planning Director
John Lynch, Planner
Andrea Bonner, Planner
Dale Anderson, Principal Planner
Scott R. Davidson, Principal Planner
Tim Haddad, Environmental Coordinator
Alexandra Morales, Planning Commission Secretary

Robert Beaumont, Department of Public Works

Convened at 9:00 a.m.
Adjourned at 12:15 p.m.
Reconvened at 1:30 p.m.
Readjourned at 6:45 p.m.

G.141

TR-2

10. DRAFT EIR: BEL MARIN KEYS UNIT 5

Continued hearing to consider the adequacy of the Draft EIR for the Bel Marin Keys Unit 5 Master Plan and Rezoning proposing to construct a water oriented, planned residential community on an approximately 1,610 acre baylands site. The project is for construction of a 1,190 residential unit marina type development with a proposed 152,000 sq. ft. neighborhood commercial retail center, 13.5 acre golf course, 50,000 sq. ft. community center, and 200 berth marina and restaurant. The proposal also allows for a potential site for school and/or fire station development. In addition, the developer proposes development of a ferry site at Port Sonoma for commuter transportation, a shuttle service to Golden Gate Transit, a light rail station, bike paths, and a childcare center. The project site is located in the unincorporated portion of Marin County and is surrounded by the existing development of Bel Marin Keys, Units 1 - 4, and Hamilton Air Force Base. Access to the site is from Bel Marin Keys Boulevard via the Bel Marin Keys/Redwood Highway/Highway 101 interchange. APN 157-171-07, 157-172-07, 08, 35, 36, 37 and 38.

Commissioner Friedman informed the public that the purpose of the hearing was to receive comments on the adequacy of the Draft EIR and not the merits of the project. Tim Haddad, Environmental Coordinator, further stated that if comments have been submitted in writing, there is no need to repeat them because they will be responded to.

Hearing was opened to public testimony.

ALT-7 | Carmen Chalfant, BMK resident, disagreed with the statement that boating is incompatible with birds and fish, and opposed the mitigated environmental alternative which would reduce the size of the Unit V lagoons and prohibits motor boats. She concluded by recommending that this mitigated alternative be reviewed again.

M-4 | John Chalfant, BMK resident, stated that the DEIR fails to address negative impacts of agricultural land on the adjacent residential community.

ALT-1 | H. A. Flertzheim, BMK resident, stated that sketches of conceptual designs for other alternatives are necessary
ALT-3 | in order to assess them in terms of water quality and circulation in the smaller lagoons, flood control routings,
ALT-4 | water and boating safety, security of the homes in terms of water access, and whether the community would support dredging. Venture Corporation has discussed two other alternatives with the community which he would like to include in the DEIR. Mr. Flertzheim submitted his comments in writing.

J-3 | Jerry P. Olmes, U.S. Cost Guard, clarified that they will require an 85 ft. clearance at the new lock and also at
C-13 | the lagoon, which will become accessible by sail boats.

N-1 | J.R. Coleman, BMK resident, stated that the DEIR does not address the economics of the project from which the County will benefit. He submitted his comments in writing discussing this issue in detail and commenting in favor of the proposal.

J-6 | Roy Demarta, BMK resident, stated that because security is an important issue, he supported the concept circulated to the community by Venture Corporation which includes housing along the perimeter road all the way around the lagoon.

B-5 | Karen Hopp, BMK resident, stated that the evaluation of habitat values in the EIR is contradictory. Regarding
ALT-4 | the alternatives developed by Venture Corporation, she stated that these alternatives address and satisfy great
ALT-7 | community concerns, i.e., reducing the length of the peninsulas in order to increase the lagoon size, water safety, security.

TR-2

B-5 Deborah Kennard, BMK resident, disagreed with the experts' opinion which have determined that boating is incompatible with the birds, fish, and wildlife.

GEN-3 M-4 Wilma Demarta, BMK resident, commented in support of the project stating that the DEIR does not discuss many of the concerns raised by the residents. Oat hay fields are not only a nuisance to those with allergies, but burning of these fields force mice to move into adjacent homes. Replacing the oat hay fields with Unit 5 may cause nuisances during construction, but when completed there will be a new lagoon with more fish, seagulls, etc.

CN Mark Bramfitt, Local Marketing Manager for PG&E, stated that because of the project's energy efficiency, they fully support this portion of the EIR.

K-8 In response to Commissioner Marinoff, Mr. Bramfitt stated that he did not know whether utilities would be undergrounded in this project, but will find out and report to the Commission.

N-1 N-2 B-5 ALT-4 Suzanne V. Garber, BMK resident, stated that the economic section of the DEIR does not analyze the community's dredging needs in order to maintain the water quality. The proposed project will have a permanent dredge plan at no cost to property owners. She strongly disagreed that power boats are incompatible with waterbirds, fish, and other wildlife. She concluded by recommending that the County consider the two alternatives developed by Venture Corporation.

ALT-1 ALT-3 David W. Garber, BMK resident, stated that the alternatives in the DEIR do not address the spoil site.

A-3 C-1 CUM-1 David Sowers, BMK resident, stated that since the letter from Sonoma County states that the ferry service is not an acceptable transportation mitigation, the EIR should no longer consider this as a valid mitigation. Additionally, it is viable that the Hamilton project be considered in the Final EIR in terms of cumulative impacts regarding transportation and other environmental issues.

O-1 N-1 Robert Farnham, BMK resident, submitted his comments in writing and emphasized that since the proposed affordable housing program will be an important consideration for project approval, a detailed analysis of the program is necessary in terms of affordability. Additionally, he asked that the EIR include a fiscal responsibility analysis.

D-1 F-3 G-4 C-6 C-8 O-1 Vince Lattanzio, BMK resident, stated that the DEIR does not provide adequate information on the geological impacts; earth moving and storage, dredging and siltation, water and air quality impacts, construction impacts, and all other related impacts should be analyzed and mitigated by experts in the field. Additionally, no adequate information regarding traffic impacts on Highway 101 is provided. Cumulative impacts from other projects and this development should be considered, and Caltrans review and comment should be obtained. Regarding affordable housing, Mr. Lattanzio stated that it is more appropriate and practical when it is connected to an existing urban infrastructural system and mass transportation; none of which are found in this development.

MIT-1 ALT-3 Margo Lasher Rooms, BMK resident, concurred with the DEIR assessment that there are unavoidable impacts on the environment. The DEIR does not explain what the mitigation measures are and how they should be implemented to change class 1 impacts to class 2 impacts on the bayfront conservation, zoning reclassification, loss of jurisdictional wetlands, conversion of existing wildlife habitat to development uses, and obstructure of scenic views. The FEIR should explain in detail why the open space alternative is not preferable. She concluded by presenting 237 letters from BMK residents raising many issues not addressed in the EIR.

John Nevel, BMK resident, waived his right to testify.

Glen Alberigi, BMK resident, stated that the DEIR inadequately addresses the impact on police protection for both the proposed development and the existing community. After contacting the Sheriff's Department, it was determined that the EIR should provide the following information:

- What will be the required manpower to service both the proposed development and the existing community?
- What would be the emergency response time to the proposed community and the existing one compared to the current standards of the Sheriff's Department?
- J-8 K-2 How will the response time differ from the existing community?
- How many patrols does the Sheriff's department have now for the existing community and how many more will be needed should this project go through?
- What will be the budget impacts on the Sheriff's Department to increase services?
- What is the anticipated increase in the crime rate in this area from this project?

Mr. Alberigi concluded by requesting that the comment period be extended to allow the Sheriff's Office to review the EIR.

Frances Rosenstein, BMK residents, submitted her comments in writing.

J-10 Scott Thayer, BMK resident, stated that the DEIR does not adequately address hazardous material clean up. The document should include a list of materials present at the hazardous material site, the levels of the list of materials, a detailed map of the site, and the probabilities of lateral migration of these substances. When a conclusion is reached, it should be stated how the conclusion was reached, who did the testing, what type of testing was done, and will there be ongoing monitoring to ensure that there is no migration of these substances. The EIR should also include what forms of delineation will be taken to take care of the hazardous materials site; who and when will it be done.

Joan Heiman, concerned resident, waived the opportunity to testify.

C-8 Alan Cohen, BMK resident, expressed concern regarding traffic impacts and cumulative impacts from other projects currently in process. He concluded by urging the Commission to review the integrated planning.

O-1 O-2 Bryan Chapman, Boardmember of Ecumenical Association of Housing, stated that the EIR must consider the affordable housing component as a viable ingredient given the fact that one third of the project will provide affordable housing. He had testimony from people who supported the proposed project.

Barbara Salzman, Marin Audubon Society, noted her letter dated October 31, 1992, commenting on the following:

E-2
- Further address the mitigations for flood control and access problems. What are they? Will they be effective or feasible? What will the impacts be?

ALT-4 A-1
- Provide an alternative reflecting the Environmental Assessment.

B-5

Power boats and boat use - Consultants should address negative, as wel
on birds.

Gordon Jacoby, Venture Corporation, waived his right to testify.

Hearing was closed to public testimony.

Commissioner Friedman stated that in this EIR, there are issues rais
materials. As example is the question of what will happen with the tun
Highway 37). How can this issue be dealt with in the EIR since it is d
the EIR? He stated that he would not vote to certify the EIR if there is
project's impacts are, particularly with respect to the access roads. Sh
is to provide enough information for the Commission to make an info
opinion about impacts addressed in the EIR. Some of the analysis
testimony expressing a different opinion about the significance of
areas, the analysis reflects the specificity and factual information pr
of information and detail in the impact analysis and mitigations in eit
about the project. Some aspects of the project proposal are only cons
the secondary access and the ferry. The EIR deals with these as
specifics can not be determined. The County cannot require the app
not know or has not determined yet. Therefore, the EIR evalu
submitted and avoids speculation beyond what can reasonably be
CEQA guidelines provide that these kinds of issues be addressed
that a subsequent EIR or further environmental review may be
conceptual project elements is determined and submitted at
Commission, however, has the ultimate authority to decide whet
you have enough information to make an informed decision
Friedman stated that after experiencing the traffic problem in Bol
there is no certain alternative access, he would not have adequate

The Planning Director further stated that ultimately, the mitigat
which will have to occur, or the project will not occur.

Commissioner Fuchs asked what is it that governs whether a mit
enough or realistic to be included in the document. Gary
applicable jurisdictions (Caltrans, City of Novato, City of San
could work. However, this mitigation is fairly conceptual
level. Commissioner Fuchs further asked how come a more
mitigation was determined to be programatic. Gary Oates re
enough is a difficult issue the courts deal with all the time.

In response to Commissioner Marinoff, staff stated that the
would affect this project because it would decrease the curren

The Commissioners stated that they would submit comm
EIR preparers include their questions and responses in the

Commissioner Gurfien asked for clarification of the mitig
(transfer of development rights) on page 5.270.

y positive, impacts of hosting

h go way beyond normal EIR
ive means of access (Hamilton,
f the contract to be covered by
sion existing regarding what the
ded that the purpose of the EIR
lusion, not to resolve different
ded that the EIR is disputed by
r mitigation required. In other
the project proposal. The level
ific to the information available
defined in the application, such a
n EIR level of detail because the
submit information which he does
proposal at the level of detail as
about effects of the project. The
given level of detail in the EIR and
cuss the specific details of those
age of project processing. The
t is adequate or acceptable and that
ts of the projects. Commissioner
ys first hand, it is his opinion that if
ion to make an intelligent decision.

be posed as conditions of approval

.e. two alternative roads) is sufficient
A, stated that after contacting other
It was concluded that this mitigation
ded in the EIR to be at a programatic
mitigation was not provided since this
the issue of how much information is

are to be voted on November 3, 1992,
a maximum of 800 units.

e. The Commission suggested that the
comments.

s for the conversion of agricultural land

TR-3

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BEL MARIN KEYS

UNIT 5

DRAFT ENVIRONMENTAL IMPACT STATEMENT

U.S. Army Corps of Engineers

September 14, 1992
Bel Marin Keys, California

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C.144

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TR-3

September 14, 1992 7:37 P.M.

BEL MARIN KEYS UNIT 5 - DRAFT E.I.S.

PUBLIC HEARING

---oOo---

Opening Comments by Colonel Cardoza,
United States Army Corps of Engineers,
San Francisco District

COLONEL CARDOZA: My name is Len Cardoza. I'm the district engineer for the San Francisco District, Corps of Engineers.

I want to welcome you here tonight for a public hearing on the proposed project known as Bel Marin Keys Unit 5.

First I want to start with some introductions.

On my immediate left is Susan Jahansooz -- did I get that right? Dain is much easier -- Susan Jahansooz, who is a project manager for the E.I.S. from San Francisco District.

To her left is Dain Anderson, who I believe most of you have met this afternoon, from Marin County.

And, then finally, to his left is Nona Dennis from Environmental Science

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Associates.

First I'd like to talk a little bit about the agenda.

We are going to lead off the discussion with a brief discussion on the N.E.P.A. process, and the D.E.I.S., the draft environmental impact statement, in general.

Next I'll be followed by Dain, who is going to talk a little bit about the C.E.Q.A. process.

And, then finally -- or, then Jerry Olmes from the Coast Guard is going to be talking, and he's going to be talking about the bridge, the retractable bridge.

And, then finally Nona Dennis, from Environmental Science Associates is going to give a quick project overview.

And, then we are going to conclude with a public comment period.

Can I have the first slide?

The purpose here tonight is not to debate the project itself, but rather to accept your comments, both verbal and written, on the proposed project, the environmental consequences, and the mitigation, as they're

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outlined in the draft E.I.S.

We have a Court Reporter present, in order to accurately record your comments.

And, of course, your comments will be addressed in the final E.I.S.

Back to the first slide?

Comments by Colonel Cardoza.

United States Army Corps of Engineers - Precis of Proposed Project

COLONEL CARDOZA: This is the purpose of the description of the project.

As you see here, the Bel Marin Keys Development Associates has applied to the U. S. Army Corps of Engineers -- that's me -- and to -- I've been here three months, so I'm still having a little trouble with that -- and to Marin County for permits and approvals to construct a water-oriented -- that's kind of a key word -- water oriented planned residential community on approximately 1,610 acre bayland site, southeast of Novato. That's here.

This proposed project is intended as the last development phase of the existing Bel Marin Keys community, and would more than

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TR-3

double the number of residences in the community.

And some project features here, where the project involves 1,190 residential units. Recreational lagoons. An 18-hole golf course. A community park. Commercial retail center. Wildlife habitat. And elementary school.

Well, is the wildlife habitat in the elementary school --.

And, of course, a fire station.

Now, the lead agencies.

Okay, again this should not be a surprise. These are the two lead agencies. The folks who have to actually approve, either issue a permit or deny a permit. The Army Corps of Engineers and the Marin County Planning Department.

You also see environmental consultants that will be working through the C.E.Q.A. process.

And, I've made the introduction of the folks associated with these agencies.

These are the resource agencies. And the goal of the resource agencies -- U.

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S. Environmental Protection Agency, you know as the E.P.A., Fish and Wildlife Service, National Marine Fisheries Services, California Department of Fish and Game, Bay Conservation and Development Commission, sometimes known as B.C.D.C., and Regional Water Quality Control Board.

The purpose of the resource agencies are to review and comment on the E.I.S. with regards to specific natural resources.

The project will require a B.C.D.C. permit, and also water quality certification, or a waiver from the Regional Water Quality Control Board.

A cooperating agency is the U. S. Coast Guard.

And, a cooperating agency is any federal agency which also has jurisdiction by law.

And, in this case we're talking about the retractable bridge.

Now did I become involved here? I don't know, a computer with a sense of humor.

Actually, I'm here under two authorities by law. Section 10 of the Rivers

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and Harbors Act of 1899 oversees all work and structures extending bayward or seaward of the line on shore reached by mean high water. I'm still trying to understand this.

But, basically, Section 10 gives the Corps jurisdiction over tidal waters, including all work and structures, in unfilled portions of the interior.

We're talking about 969 acres here.

Section 404 of the Clean Water Act oversees discharge of dredged or fill material in to waters of the United States.

This is the famous, or infamous, wetlands jurisdiction that the Corps has responsibility for. So, that's how we're involved.

And, that involves 116 acres.

Very important, because this last part, the Section 404, requires an alternative analysis.

Okay, very quickly, N.E.P.A. National Environmental Policy Act of 1969. It requires a systematic evaluation of potential environmental consequences of the proposed action.

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And, this results in a document, in this case D.E.I.S., will eventually go in to a final E.I.S., which is a full disclosure document and provides the basis for informed decision-making. I love that phrase. Informed decision-making.

Now, as most of you know, you were there, I wasn't, we had a scoping meeting on 24 July 1991. And, I understand some of the significant issues that came up are presented here, and I hope you'll also find them in the E.I.S.

Now, to just cover them real quickly, or some of the more key ones.

Geologic conditions. Those are hazards due to settlement, erosion, seismic susceptibility.

Water quality. The impacts to the lagoon activities.

Agricultural. The project site is presently farmed, the oat hayfield. And would displace a portion of this activity.

And, finally, public interest. The public interest -- this is why you're here -- is that, and the review, plays a large role

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in the, again, the decision making process.

Okay. We've got some issues. This is the proposed mitigation: 377 acres of shorebird habitat wetlands, 247 acres of combined seasonal marsh and agricultural land, 45 acres of other habitat zones -- maybe that's the elementary school, I don't know -- no, it's not really -- for a total of 669 total acres.

Now, again, the proposed mitigation is to compensate for the loss of the 116 acres of Section 404 jurisdictional wetlands. Remember, the wetland is the second authority.

We require mitigation to reduce the unavoidable impacts to a less than significant level. You have significant unavoidable impacts in E.I.S. and you have to propose mitigation to reduce them to a level that's less than significant.

For the decision making process. How do we mitigate these impacts, these issues that you've seen?

And, I don't mean to make light of any of these issues. They're very, very serious. And that's the whole purpose of

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this process.

How do we mitigate them?

You can avoid them, build elsewhere perhaps. Minimize them, build fewer, perhaps. Or compensate. That's if you're going to fill wetlands here, you restore -- well you create wetlands elsewhere. So these are the three ways we mitigate.

Now, the all important and very confusing time line.

We're at the very beginning of the top. The draft E.I.S., the public hearing September 1992 -- that's why you're here, and the comment period to end, that would be 21 September.

We hope to finalize the E.I.S. with your comments in December 1992, and to actually publish the final E.I.S. in February 1993.

And, by the way, copies of these charts are available, I believe, for everyone here. Especially this time line. Kind of a key thing.

We'll have another public hearing for the final E.I.S. in April, 1993. I hope

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1'll still be here.

Section 404, Section 10 permit processing. Very, very key milestone here. Because this is where the mitigation plans will have a very hard look -- and this is where all those resource agencies come in.

I keep looking over on this side. I don't mean to ignore you over there. Okay?

And, then you have detailed mitigation plans resulting from this -- the Section 404 and Section 10 permit processing.

And, finally a permit decision by the Corps. When? Perhaps fall of 1993.

It gets a little bit hazy towards the end because of this very important step.

Any questions on this?

Sir?

QUESTION: Yes. (Inaudible) this afternoon's hearing at the planning commission, Marin County Planning Commission, the comment period was extended by 42 days, bringing it up to November 2nd, I believe.

Could we get the same extension for comments on this very, very long draft E.I.S.?

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COLONEL CARDOZA: I have not had a chance to talk with the County to address that.

And, I also need to talk with the other interests here, before coming up to a decision.

So, please of course, put that as your -- you've already made the verbal comment, and put that in as a written request.

Okay. Who do you send the comments to?

Yes sir?

QUESTION: (Inaudible) is there any building permit -- is there any development alternative among those in the current E.I.S. that does not require Corps approval?

COLONEL CARDOZA: I think we have Section 10 authority over everything.

But, there are alternatives that do not involve the 404.

So, to answer your question -- no, there is no alternative. We'll still be in the permitting business. But it might not involve an alternatives analysis.

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Yes sir?

QUESTION: Do you make your decision before or after the planning commission makes their decision?

COLONEL CARDOZA: It'll probably be a concurrent process. I suspect that the Planning Commission will make their decision prior to that.

Is that the case?

MS. JAHANSOOZ: It depends on the length of time it takes them to create a mitigation monitoring plan.

So, our process may take longer.

COLONEL CARDOZA: But it'll be in about the same time frame.

MS. JAHANSOOZ: Hopefully.

COLONEL CARDOZA: Because, both things have to happen.

Okay. Comments? Please send your comments -- and you'll have the copy of this -- San Francisco District, Army Corps of Engineers Regulatory Functions Branch, Attention Susan Ryan -- I like that -- Jahansooz.

Sir?

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QUESTION: What's the last day for --

COLONEL CARDOZA: The 21st. We need to receive them by the 21st.

On the current time schedule. We perhaps will be able to extend that. But I really don't think I can make that decision right here. I need to talk with some other folks.

Hope that you've had an opportunity to fill in the card as you came in through the door, the little white cards. It's important to us because it gives a record of your attendance. And also lets us know if you're going to make a statement tonight, if you're going to be forwarding a written statement. Because, if we don't receive it we're going to get back to you and find out where is it, did we lose it, or whatever.

And I just wanted -- does anyone else need one of the little white cards, or need to fill it out? Okay.

I guess, Dain Anderson, I'll turn over the podium to you.

MR. ANDERSON: Thank you, Colonel.

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I see a lot of faces that I saw this afternoon, so I'm sure you're quite aware of what the County's process and the C.E.Q.A. process is, but just as a brief overview.

Comments by Mr. Dain Anderson - Precis of C.E.Q.A. Process

MR. ANDERSON: C.E.Q.A., or the California Environmental Quality Act, is intended as a public disclosure process, intended to allow for the identification of potential environmental effects resulting from proposed development, before a decision is made on a project.

As the Colonel pointed out, it's to provide our decision makers with information so that they can make informed decisions.

I won't editorialize on that, but I think I agree with the Colonel.

The process that we've gone through for the Bel Marin Keys proposed project is not dissimilar to any of the other projects that go through our office.

The exception here being that we have partnered with the Army Corps of

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Engineers to develop a more efficient document, so that we don't have two parallel versions of this running, with perhaps slight inconsistencies between the two. This way we know they are consistent documents.

And, it's been a very fruitful and rewarding process to date.

In essence, the C.E.Q.A. process in general requires that at the outset of a project's proposal to a public agency, the first thing we do is take a brief, very quick examination of the proposed project to look at the potential impacts that might result.

And, at which point we make a decision as to either there are none to very minimal impacts for which we have plenty of information and knowledge to address them and reduce them to a level of insignificance. Or, alternatively, that there are unknowns about the project or that the project could have some very significant, severe environmental effects. At which point, more than likely, the requirement for the preparation of an E.I.R. is required.

I'm doing the best I can. These

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mikes are for -- okay.

In terms of this project, the proposed Bel Marin Keys Unit 5, it covers just about all of the topical areas outlined in C.E.Q.A., the California Environmental Quality Act, that must be addressed.

In other words, things such as hydrology, geology, seismic safety, public safety, land use and policy analysis -- all of the various environmental areas of concern have been addressed in this document.

The process that we went through led us to selecting and retaining the consulting firm of E.S.A. to prepare this document. And, that's why we're here this evening.

And, were here earlier today, as the gentleman pointed out. Our planning commission did hold a public hearing this afternoon at which point they received public testimony. And certainly the Corps representatives and the County will be working to ensure that we both got the same comments, since it is a combined document.

And, as pointed out earlier, the Commission did extend the public review period

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to the -- it's a Monday, November 2nd. We'll be taking comments, both written and oral, up until that point in time.

Following the close of the public review period, our next step, very similar again to the N.E.P.A. process, is to go through and finalize the document in terms of responding the various comments that have been made on this document, to bring it up to a level where we, as staff both here and with the Army Corps, and in my case the Planning Commission and ultimately Board of Supervisors, feel that it's an adequate document. That it thoroughly evaluates and discloses all potential impacts associated with the proposed project.

At which point, then, the Commission and Board of Supervisors can move forward with actually reviewing the merits of the project.

I think, with that, I think I'll, turn the mike over to --

COLONEL CARDOZA: Jerry Olmes, from the Coast Guard.

MR. ANDERSON: -- Jerry.

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COLONEL CARDOZA: These are the remarks by the Coast Guard for the retractable bridge that's going to extend across the lock.

Comments by Mr. Jerry Olmes, for the United States Coast Guard - Proposed Retractable Bridge

MR. OLMES: Good evening. I'm Jerry Olmes, Assistant Chief of the Eleventh Coast Guard District, Bridge Section.

The Coast Guard has permit authority over the proposed new bridge crossing the lock in this development.

We are serving as a operating agency in the environmental review of this project.

The Coast Guard's permit authority over bridges involves the approval of the location and clearance of bridges to ensure that they meet the reasonable needs of navigation.

The proposed lock and bridge are similar to the one built in 1986, 1,000 yards upstream of the new location.

And, I would like to go over for a moment and show you where that is on the

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photo, there.

This is where the existing lock is -- and I'll step aside here so that you can get a good idea -- approximately 1,000 feet downstream would be where the new lock is.

As proposed, the bridge would normally remain open, closing only for the passage of maintenance and emergency vehicles. This is the same method used at the existing lock and bridge.

The new bridge would provide five-point-two (5.2) feet vertical clearance above mean high water, and 20 feet horizontal clearance between the lock walls.

We are interested in hearing your your comments concerning the adequacy of the bridge clearances and the suitability of the bridge location.

In conjunction with circulation of the draft environmental impact statement, we have circulated Coast Guard public notice 11-92, dated 8 September 1992. Copies of which are available on the table at the entrance to this room.

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And, I don't know if there's any left, but -- if you do need a copy please let me know, and I will make sure that you get one. And, I will remain at the hearing for anyone who would need one who doesn't have one now.

The notice advertised the availability of the D.E.I.S. and encouraged attendance at this hearing.

Any comments we receive by mail will be provided to the Bel Marin Keys Development Association and the U. S. Army Corps of Engineers for use in the environmental review, and will be retained in our official file for use in the Coast Permit decision.

The Coast Guard permit process is similar to that of the Corps of Engineers.

And, as I said earlier, I will remain after this hearing to answer any questions you may have concerning our permit.

Thank you.

COLONEL CARDOZA: Thank you very much, Jerry.

Next, if I could as Ms. Nona Dennis to speak, and give an overview of the

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project.

MS. DENNIS: Thank you very much.

Comments by Ms. Nona Dennis, Environmental Science Associates, Inc. - Overview of Proposed Project

MS. DENNIS: As you may know, the role of the consultant is to draw fire. And after this afternoon's hearing, I went home and put on my flak jacket.

No, actually, I've been involved in the preparation of E.I.R.s and I.E.S.s for many years. Almost, almost 20 years.

And, during that time I've come to recognize that this document may be the closest that you'll get to a kind of project incarnate.

This is an embodiment of the project. It gives you an opportunity to sort of embrace the project. Put your arms around it if you love it, reject it if you don't love it.

But, in any case, use it as a source of information.

Of you find flaws in it, deficiencies, lacks, gaps -- the purpose of

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these hearings is to identify those. If there are issues you feel that have not been addressed, alternatives for example, have not been addressed in sufficient detail, now's the time to do it.

I'd like to say just a couple of things about both the project site and the project. Just a very brief overview.

You look at the project either through your front doors or back doors, probably every day. But, there may be some things that you've missed. Some details about it that make it a very distinctive site.

I don't live here, but during the late '70s and the early '80s, my office was over on Pamaron Way, which is just a stone's throw from here. And, we studied this area before Bel Marin Keys 4 was constructed. And, at various times we have examined the site.

So this is not a new, this is not new to us. And, while we don't have the familiarity with it that you have, we have done a great deal of study of its

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characteristics.

A couple of things, if I can be heard -- I'd like to stand up for a moment.

I'm not certain all of you can see it, but as I said, you look at it every day.

I think one of the most interesting characteristics about the site is that it's only about a hundred years old. At least parts of it are. Because, it was historic tidelands.

Parts of it were used for agriculture in the late 1800's and it was diked off from tidal action, the remainder of the site, in the early 1900's.

And, it has really been by virtue of diking and kind of perpetual maintenance, drainage and pumping, that have kept the land dry and have maintained it in its agricultural use that it has today, and has had for all those years.

It's very flat. Obviously. Except for Headquarters Hill, which is really a peak compared with the rest of the topography. The elevation now -- most of the site is below mean sea level, about four feet. Up to

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four feet below mean sea level. As a result of the diking, the land dried, it consolidated, and effectively subsided, although not in a true geologic sense. So, it's really quite low.

Probably it would be fairly damp at a number of times during the year, during the winter, if it were not actively drained.

Mentioning things have happened, a number of years ago when earth material was needed for construction of levees for the construction of the earlier Bel Marin Keys community, the existing community, some borrow ditches were developed on the site.

In other words, the material was taken to use for levees and the result was, over a period of time, through a kind of benign neglect, was the re-establishment of wetlands, brackish wetlands, within those borrow areas.

In addition, there are ditches that criss-crossed the site. Drainage ditches. And those, too, have maintained certain wetland characteristics.

And, therefore, there are some areas

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on the site which -- as Colonel Cardoza has explained -- fall under the jurisdiction of the Clean Water Act, about 116 acres.

And there are other large areas of the site out toward the bay which fall under the jurisdiction of Section 10 of the Rivers and Harbors Act.

The habitat qualities vary quite widely over the site.

There are tidal wetlands, of course, in along the bottom (phonetic) creek. And in San Pablo Bay. In the brackish marshes that were formed through the development of the borrow ditches.

There is extensive bird use there. The geese use the agricultural land, shorebirds use other areas that are wet at various times.

Are you having difficulty hearing me? Okay. I'll sit down and use the mike.

Anyway, the flatness of the land and its low topography have contributed to the fact -- obviously they are a major part of the Corps' involvement.

Now, there are other features about

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the site that you're very familiar with.

Access. There's a single access, generally, to the site now. By way of Bel Marin Keys Boulevard.

The site is within the sphere of influence of the Bel Marin Keys Community Service District. That's one of its political affiliations or associations.

The sponsor's objectives, which are stated in the E.I.R. and the E.I.S. can be summarized in a few brief statements.

One of the objectives of the sponsor is to maintain and enhance the existing Bel Marin Keys community.

Another of the sponsor's objectives is to create affordable housing. In fact, is to play a major role in the county's contribution to affordable housing.

A third objective of the sponsor is to accomplish a net decrease in the peak hour and peak direction traffic on Highway 101, through various transportation management proposals.

And, a fourth objective of the, of the applicant is to recreate 669 acres of

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wetland habitat on the site, to mitigate for the loss of the Corps jurisdictional wetlands.

You're probably, at this point, very familiar with the main components of the project itself: 1,190 residential units; 152,000 square feet of commercial; 50,000 square feet of social center; 135 acre golf course; 436 acres of lagoons, which would extend from the existing lagoons; 20 acres for school and park site; 669 acres of wetland habitat.

The project proposes rezoning the site.

Currently the density that's allowed -- I'm not certain whether you mentioned that, the density -- the density that is allowed on the site would be half a unit per acre, or one unit per two acres.

And the proponents would like to increase the zoning to point-seven-five (0.75), which is actually a 50 percent increase in the density.

The E.I.R./E.I.S., I think many of you have had a chance to at least look at the summary. I urge you all to examine that

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carefully, if you have not already done so.

And, at this point, unless you have further questions about the project, we might turn it over to Susan for the hearing.

COLONEL CARDOZA: Thank you very much, Mona.

If I could have the microphone?

Now comes the most important part of the evening in a public hearing, and that's, of course, the opportunity for the public to comment on this project.

Now, some -- if I could make a couple of notes here. Ask some, a few favors.

I have, as you can see from this stack, almost 30 speakers. Now, in the interest of leaving this room some time this century, I'd ask if you could try to limit your comments to about five minutes. And, there's several ways to do this and still get your point across.

If you have a written document you're presenting, please just summarize that for the record.

If you've already heard your

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comments stated, you might say so, that my comments, my issues have already been stated. And we will carefully note that for the record. So, the point is that there not be many individuals making the same comments.

These are just little techniques for allowing a public hearing like this to progress.

With that, I'm going to proceed in the usual order. And, that is of agencies, groups, and then individuals.

And, first if I could ask Mr.. Gordon Jacoby, who is a proponent for the project, to speak?

Comments by Mr. Gordon Jacoby - Proponent for Proposed Project

MR. JACOBY: Thank you, Lieutenant Colonel Cardoza.

Many people here know my name, and not to be overly sensitive, but they know me usually as Gordon Jacoby. Some of them know me by other names, as well. Some of them invented in this forum.

I would like to make some brief comments. I'll try to move quickly through

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them, to highlight key concerns of ours.

We will also be providing the Corps and the County with a very detailed listing of all of those really having to do with many, many different details.

But, tonight I really wanted to just focus on the very big picture concerns of ours.

One of the things that is most key to us is this, we've now been making presentations in this same room for about four years. And have anxiously awaited this evening. Really for the official part of comments on the project, and changes that people want to take place.

As you know, N.E.P.A., the National Environmental Policy Act, really calls for a E.I.S. to be a step in a process. It's not a item by itself, it's a step in the process to refining and improving a plan. And, that's what we're anxious to do.

So, some of the things that we'll be talking about, or talk about tonight, really reflect directions and changes we feel are necessary. Really, coming out of

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comments that came in the E.I.R.

In doing this plan, we really, in our mind, were making a very big series of commitments.

One, to deal with local policies. Some that came out of this very community. On big issues. Big issues having to do with habitat, with affordability, with continuing the same kind of pattern and feel of the community.

So, we are trying to design this in a way that was really reflective of big needs in Marin County as well as the unique needs of Bel Marin Keys.

We also have a strong theme, what we believe is -- we call "sustainable development".

And, that's why we've pushed hard on the use of recycled water, for example.

You will hear tonight a little bit more on our commitment in the areas of energy. Particularly to do more than what's called for in the E.I.R.

And, we've done, viewed something like transportation as more than mitigation

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for our project. But, really trying to mitigate problems that are larger, outside of our own making.

But, with that, let me just go through three big areas that we see improvements need to be made.

One, on transportation.

Our feeling is when the E.I.R. looked at this matter of transportation, it looked fairly narrowly. It didn't look at it broadly enough.

And so, for example, there's comments that when they calculated the traffic, they didn't build in reductions.

Assumptions and reductions having to do with our commuter ferry, with the shuttle bus. Those are standard procedures usually you do in a E.I.R.

They did not build in -- and we believe there are mistakes -- by not discounting the travel needs, or actually reduced travel needs, as a result of having a hundred senior homes, where travel is much less.

Or, did not analyze the benefit of

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putting in a neighborhood shopping center so people wouldn't have to make continuous trips a mile and a half or two miles away.

All of those are changes we believe need to be looked at in the E.I.R., in the general area of traffic.

We have an aggressive program to preserve and restore the natural environment. That's a foremost foundation of our plan.

And, with that, we -- in reading the E.I.R. -- we feel that whereas it suggests some good directions, in some cases it didn't go far enough.

And, in their effort to balance the County's needs, the County's policies, the E.P.A. policies, your own policies, Fish and Wildlife policies, at times they focus too narrowly, and didn't really look at the big opportunities that we feel that one has to look at here.

Example. The E.I.R. calls for exact type by type replacement of habitat.

Well, the habitat areas here is pretty minimal. It's all seasonal, by in large. It's drainage ditches that are dry

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most of the time. By in large they're degraded. And don't provide the role they can.

And, so in our rework of it, we think it's very important that the E.I.R. keeps looking at the big picture.

And we really have an opportunity here for some tidal marsh, which really is more consistent with the County's plan.

But, we wouldn't be -- we'd go after something of great significance like a change in the tidal marsh, rather than wanting to replace drainage ditches with new drainage ditches.

Secondly, our proposal includes somewhere under, on the order of about 640, 650 acres. That's over a square mile. That's a ratio of more like seven to one, as distinct from three to one.

And so in our -- and three to one was that made, the recommendation of the E.I.R.

We think it can look bigger.

We have a real opportunity here from going all the way from Novato Creek right on

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down to land that now is called the antenna field that actually the Corps of Engineers has responsibility, now, in terms of looking at how to design a restored tidal marsh.

We see there's a big opportunity there. We have to keep those pictures big.

Lastly, we see there's some real opportunity here -- although not really called for in the E.I.R. -- to be a little bit innovative.

This is an area that's said to potentially have some habitat value for endangered species, but none have ever been found. Although many testings have taken place.

We think the E.I.R. has to look at that as an incentive to really try to pull, introduce endangered species on to this site.

So, it has to look at big pictures.

Finally, the third area of importance to us is affordable housing. And, our comments here -- I'll just be brief.

It's simply that the needs are much greater -- the E.I.R. needs to look at the commitment that can be made here, much

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broader than it has done in two pages in the E.I.R.

It's not only a social need, but it's a very strong environmental need.

Air quality, energy, right now having people commute 45, 50 minutes away to job sites here in Marin County when they can live close by -- there's a very significant environmental impact that was not considered in the E.I.R. at all.

Thank you very much for this chance.

COLONEL CARDOZA: Thank you very much, Gordon.

And, I do apologize for mispronouncing your last name. I do suspect, however, it won't be the first example tonight of some creative pronunciation on my part.

What I'm going to do now is, as I ask the other speakers to come forward, I'll, in fact, read two names, so the second name will know that he's ready to go. Or he or she are ready to go. It night speed things up.

So, Totton Heffelfinger will be the

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first speaker, representing the Sierra Club, San Francisco Bay Chapter.

Followed by Barbara Salzman from the Marin Audubon Society.

Oh, if you -- please, Totton, state your name and address for the record.

MR. HEFFELFINGER: All right.

Comments by Mr. Totton Heffelfinger, Sierra Club, San Francisco Bay Chapter

MR. HEFFELFINGER: My name is Totton Heffelfinger. My address is #37 Fifth Avenue, San Francisco. That's area code [sic] 94118.

I have some copies of a statement which I'm about to summarize. Should I give those to Ms. Ryan (phonetic)?

What I don't have in there, because my statement tonight, I had planned to focus on the question of alternative sites and alternatives -- we will be submitting a letter on behalf of the Sierra Club on other matters before the deadline, but I want to focus on this now.

But, I would like to comment on something that actually came up this

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afternoon, and that Mr. Jacoby just referred to.

B-2 B-4 And, that is the question of creating some tidal marsh as mitigation in this project.

And, I do think that everybody should understand that that is not a part of the project that's described in the E.I.S. right now.

And, to my mind, obviously, would require a supplementary E.I.S. or a supplement to the E.I.S. so that we could all look at the problems and have a chance to comment on it. I mean, it might be a good idea.

On alternates, I think everybody, or you all know, any way, that under N.E.P.A. and under the 404(b)(1) guidelines for the Clean Water Act there are some definite requirements, as far as projects like this

ALT-2 are concerned.

And, these requirements differ somewhat, depending on whether the project is water-dependent or not water-dependent.

I noticed in the project purpose that flashed up on the screen that the

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project was described as "water oriented". That's different.

Being water-dependent is a term of art. And if a project is not water-dependent, it's up to the project proponent to show by satisfactory evidence that there is no alternate upland site that's less damaging environmentally.

Now, this is a housing project. This is not a golf course project. This is not a wildlife project. This is not a supermarket project. The core of this project is housing.

ALT-2 And, I would like to urge you to accept the principal that it isn't necessarily a project consisting of 1,190 units of dwellings. It could be a reduced project. It could even be a bigger project.

But, when you look at the alternates to this, I think you should bear in mind that the core purpose of this is housing, which is not water-dependent.

And, it's up to the project proponent to establish that housing -- or some reasonable amount of housing -- cannot

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be built at a less-damaging site that would not require the fill of 116 acres of wetland.

And here is where I think the environmental impact statement is deficient. In the examination of off-site alternatives.

And, I must say also, although this is actually not summarized in the E.I.S. -- probably it should be -- the alternative sites analysis, which has been submitted in draft form to the Corps of Engineers, is not really adequate either.

And, it doesn't track with what's in the E.I.R. It talks about different on-site and off-site alternatives than you find in the E.I.S.

ALT-1
ALT-3

So, it's very difficult to look at the E.I.S., look at the alternatives in it, and find anything more than the kind of somewhat cursory description that is given for some of the alternatives.

For example, the alternative sites analysis -- which, granted, is still in draft form and hasn't been submitted, and may be revised, should be revised -- does not consider any project on-site or off-site

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that's less than 1,190 units. The E.I.S. considers only two projects that are, that involve less than 1,190 units.

One involves 900 units, but still impacts 36 acres of wetlands. The other one is what they call a reduced alternative, and that only provides for 160 units and does not impact the wetlands. And, appears to have the least adverse effect on the environment.

But, this reduced alternative is given very short shrift in the E.I.S. It isn't examined in any depth, at all. There is no indication as to what the layout will be. Where it will be on the site. Whether it will provide for adequate buffer zones to wetland areas and other sensitive habitats. Many details are left out of this.

ALT-1
ALT-3

And, I think the fundamental problem that I have with the environmental impact statement is that the criteria used for both the on-site and the off-site alternatives are too restrictive.

There are undoubtedly alternatives both on-site and off-site for some reduced sized project that would not affect the

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wetlands, and that would be feasible from an economic point of view, that are simply not discussed in any way at all.

And, I think this is a deficiency that has to be remedied so that those -- such as yourselves -- who must make a final decision can pick the alternative which is consistent with the 404(b)(1) guidelines, consistent with N.E.P.A., and in the case of the County, consistent with C.E.Q.A. ALT-2

Thank you.

COLONEL CARDOZA: Thank you very much, Mr. Heffelfinger.

Ms. Salzman will be followed by Charlotte Maurer.

MS. SALZMAN: Well, he got my name right.

Comments by Ms. Barbara Salzman, Marin Audubon Society

MS. SALZMAN: My name's Barbara Salzman and I'm representing the Marin Audubon Society.

And, I'd like to start off by saying that this -- I've been doing this almost as long as Mona, I guess. Although we

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do different things. But, I've been doing this about 15 years, and I know a lot of people around the Bay Area.

And, frankly, this is the largest site, dike (phonetic) to start bayland site that I know of -- maybe Mona knows of a bigger one -- I don't know about Redwood Shores, but that has been proposed for development in the Bay Area. There have been pieces of bigger sites, obviously, here, but, so -- but this is the largest single piece.

And, so it has really regional significance.

If this goes, there's a real potential for, you know, it'd be easy to say that, that sites of lesser acreage are insignificant if this one can go.

I'd also like to make the point that -- well, that the applicants have said several times today that indicated that the on-site habitats are really not very important. They are of low value, and whatever. I've heard a lot from them.

Well, it depends on what you're comparing it with, I suppose.

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But, I think that the E.I.R. does a pretty good job of addressing the multiple species of wildlife and the complexity of the site, and what species that use it.

But I'd like to speak specifically of the borrow pits and the wetlands that are on the site that were created accidentally and, you know, just sort of got there. And, you know, no body did much so they're there.

The -- I've been on the site maybe four or five times in the last three or four years. And different times of year. One time in September, I think. And Gordon's been around most of the time.

Every single time that we've been by the borrow pit it has been full of birds. Now, I don't mean that literally, they're not packed in.

But the first time, there, it was September, there was water in it. There were a thousand shorebirds there.

The second time, on our second or third time it was winter time and it was quite deep and there were a thousand canvas backs and scaup in them. I mean, I didn't

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get out and count them, but I'm just estimating.

The last time it was -- I don't remember what time of year, and it was, there was a mixed, it was mixed shorebirds and ducks.

So, obviously this piece of habitat that some people consider to be degraded is serving an important function for many species.

Others have talked about the, you know, the importance of the fields and whatever, for geese.

Now, there is absolutely no indication that anything the applicants are proposing is going to even replace that.

As the E.I.R. correctly points out, what is being proposed is a mud flat. It's not a marsh. And, actually it's not even a mud flat. It'll probably serve as a mud flat some of the time.

B-4

What it is is a dredge disposal site. And, that's fine, but, let's call it what it is.

And, if you're going to, you know,

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have to replace wetland habitat, which you should do if you're -- and we fully support in kind -- we have, we need all our kinds of habitats and especially when you see, when you have a habitat that is obviously serving certain species, you want to replace that so you don't lose those species. B-4

So, that principle cannot be negated.

Anyway, what you're -- what you're -- you're being presented with is a proposal to, to provide what is going to be a disposal site for dredge material.

It is totally unclear what kind of a habitat it would provide.

You're going to get, possibly, odors, algae, other kinds of wetland vegetation. This is not going to be shorebird habitat, if it's got a lot of vegetation.

How you're going to get rid of that vegetation I have no idea.

It's going to be 21 feet below the surface of the roadway. So it's going to be a huge hole, and I don't know if that's going

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to have safety problems or whatever.

But, and then every once in a while somebody's going to come along and put dredge material over it. And I don't know how the hydrology's going to work.

But, anyway. That needs to be better addressed. And, so that at least it demonstrates that there's going to be some replacement.

The E.I.R., on page five, 12, I think it is -- five, point-four-five, points out -- where it discusses this issue. And it says, the fourth paragraph down:

"Thus only the latter
247 acre restoration
would qualify as
mitigation for the
160 acre wetland fill."

That's unclear, as well.

Because, what that is referring to is the site that's supposed to be both agriculture as well as wetland. And I don't know how you're going to get wetland vegetation if you're going to be using the site for part of the year as agriculture. B-4

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So, that paragraph needs to be looked at and revised, I think.

And, secondly, I'd like to just address a few of the issues that I addressed this afternoon.

Namely, the areas of major deficiency that really need to, need to be addressed and thoroughly analyzed, that are not now, before any consideration of a project is approved.

One is the -- and they all have potential wetland impacts.

One is, of course, the whole access road situation. And, a number of alternatives are presented. Each one of them would have wetland impacts that are not addressed here. B-3

The possible roads up through -- the alternatives for McGinnis Parkway come up --.

Now, incidentally, I censused this area for Fish and Wildlife Service for their diked baylands census for six years. And not, not Bel Marin Keys. We did Leveroni's fields to the north, the Bel Marin Keys piece to the north of Bel Marin Keys Boulevard, and

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Hamilton.

So, you know, I know the areas that are wetlands next to the runway.

One alterative shows the road going through Pacheco Pond. The applicant's proposed access road, as a matter of fact, looks like it would cut off a piece of Pacheco Pond.

Now, Pacheco Pond is not only a flood control area, but it was mitigation for a huge, the whole industrial park that was built out there.

So, I think the appropriateness of getting in to that is obviously not inappropriate. B-3

There is a channel of -- a tidal channel that feeds -- that you can notice, if you didn't notice on the way in it was on the way out -- that feeds Pacheco Pond that is not shown in any figure.

If the McGinnis Parkway goes to the north, it will go through Mr. Leveroni's fields, which are seasonal wetlands.

So, there is potential for massive additional wetlands impacts that are not noted

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TR-3

here. And that need to be addressed.

Also, the roadway, the additional roadway, Hamilton Boulevard extension would also go through wetlands. B-3

The flood control proposal would undoubtedly have to impact some wetlands.

Just to get a new channel in you're going to have to affect the Novato Creek and the seasonal wetlands to the north.

The ferry. The effectiveness of the ferry is even another issue. Because how -- the effectiveness in mitigating the traffic impacts.

But, there is a potential to, to effect all of the, or many of the diving birds that over-winter in the north bay and it's a major over-wintering habitat for canvas back and scaup on the Pacific flyway. C-1

So, running a boat along there, you know, I don't know how frequently, but a couple of times a day, one has to really look at the impacts of that.

The lock that's being proposed -- that also is going to have to affect Novato Creek. And, of course, we all know there's B-4

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TR-3

endangered species there.

So, there's substantial work that needs to be -- additional information that needs to be provided. And concerns and potential impacts that need to be addressed.

Just briefly, you -- there really is a need in the E.I.R. for additional figures. Because it's hard to tell with the access road situation, as well as on all the alternatives -- this was mentioned a number of times today -- whether they're feasible, or what the impacts are, unless there's really a figure that shows them superimposed on an accurate representation of the topography that's there. PD-1

Thank you.

COLONEL CARDOZA: Excuse me, Ms. Salzman, could you state your address?

MS. SALZMAN: Oh, my address. I live at 48 Ardmore Road, in Larkspur.

COLONEL CARDOZA: Thank you very much.

Ms. Maurer will be followed by Michael Alexander.

And, again, please, your address for

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the record.

Comments by Ms. Charlotte Maurer,
Bel Marin Keys Planning Advisory Board

MS. MAURER: My name is Charlotte Maurer and I live at 981 Bel Marin Keys Boulevard.

And, I'm Chairman of the Bel Marin Keys Planning Advisory Board.

And, I'd like to present their findings of the E.I.R., E.I.S. this evening.

And, before that I better put my glasses on or we won't get very far.

Considerable review of the D.E.I.R., and E.I.S., by the Bel Marin Keys Planning Advisory Board, including two public meetings, was conducted. Both written and oral comments were taken.

From these comments, and the review by the Bel Marin Keys Planning Advisory Board, the attached documents were prepared. These will be presented at the public hearings this evening and this afternoon.

The traffic and transportation.

C-10 Study the traffic on Bel Marin Keys Boulevard from Digital Drive to the Unit 5

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entrance, including its vulnerability to the

C-2 C-10 consequences of access interruptions.

And, study the traffic at the intersection of Bel Marin Keys Boulevard with the Unit 5 perimeter road.

Propose controls and mitigation.

This is just a summary, I might add, of what you have there that I've passed out.

The Hamilton Field connector road must be included in the scope of this E.I.R./E.I.S. and completed prior to the

C-2 beginning of construction of Unit 5.

Study the impact of commuter traffic on the proposed Hamilton Drive connector to Highway 37. And analyze the traffic mitigation it would afford.

Public Access.

Although the D.E.I.R./E.I.S. recognizes the security hazard to the existing

J-6 community caused by increased access to the lagoons via the perimeter road, it offers no mitigation for this impact.

We propose that mitigation should be the elimination of undeveloped sections of

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C.171

shoreline along the perimeter road.

Community management.

N-2 Evaluate the impact of the proposed project on the management and operation of Bel Marin Keys as a community service district.

Environmental assessment.

A-1 Include a summary of the findings and conclusions of the environmental assessment dated July 1990. And, an evaluation of how these findings relate to the findings of this E.I.R./E.I.S.

Development schedule.

PD-2 Provide scientific and detailed milestones of the key activities for each phase of the project in the development schedule.

Financial risks.

N-5 Evaluate the impact of delay, suspension, or premature termination of the project.

Address financial risks to the current residents, including legal remedies and alternatives.

Project alternatives.

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C.172

It is recommended that another alterative be evaluated in detail in the final E.I.R./E.I.S.

The suggested alterative would have far fewer dwelling units than the mitigated ALT-4 project design alterative. It could have a modest increase over the reduced size alternative, if its impact were found to be only slightly greater than those of that alterative, and if offset by the community amenities it provides.

Provide schematic or conceptual ALT-1 layouts for all alternative development scenarios evaluated. Develop all alterative scenarios to an equal level of detail.

Include for evaluation the ALT-4 alternative configuration which locates the retail/commercial off-site, and the single Bel Marin Keys five lagoon alternative mentioned on page three-point-four (3.4) as rejected.

ALT-7 Any alternative precluding the use of power boats in its lagoons is unacceptable. As described in the mitigated project design alternative.

In the fiscal sections of the

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TR-3

alternatives analysis, the cost of fire protection for the lower density alternatives appears to be incorrect.

As does the estimated revenue and fiscal impact for the alternative residential development. ALT-3

Include a table comparing quantities of excavation required for each development, alternative. And an evaluation of the relative impacts to the County guidelines and policies.

Annexation.

The statement on page four-point-three-five (4.35) on possible annexation to the City of Novato is most objectionable to many of the residents of Bel Marin Keys. A-3

It is unclear if the proposed annexation includes the existing community.

Hydrology.

The discussion of impact E-point-one (E.1) on page five-point-one-five-eight (5.158) greatly concerns this board.

We object to the routing of flood flows through the lagoons. This would cause significant risk to the existing community.

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TR-3

The data presented in the D.E.I.R./D.E.I.S. regarding flushing the lagoons is inadequate in addressing the feasibility of accomplishing the desired results within the time span of the tide changes. E-1

Nor does it address the ability of Novato Creek to handle the volume and the velocity necessary to maintain water quality in the lagoons and the scouring of the creek channel.

We've had a good deal of practice doing this, too, I might add. We could be of great help to you.

Water consumption.

The E.I.R./E.I.S. should include a discussion and evaluation of water consumption as a depletion of a valuable natural resource. K-6

The Bel Marin Keys Planning Board and the citizens of Bel Marin Keys are vitally concerned with the Unit 5 project and have given a good deal of time and thought, and thoughtful study to the D.E.I.R. and E.I.S.

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We believe our concerns and recommendations for more in-depth study of certain areas of this report are essential to any final decisions that will be made on this project.

I thank you.

COLONEL CARDOZA: Thank you very much.

Mr. Michael Alexander, from P.G.&.E. will be followed by Margaret Meeks.

Is it Meeks or Weeks?

MS. MEEKS: Meeks.

COLONEL CARDOZA: Meeks.

MR. ALEXANDER: Thanks for the pronunciation. You got it right this time.

COLONEL CARDOZA: I know anther Michael Alexander from the Sierra Club.

MR. ALEXANDER: Right.

Comments by Mr. Michael Alexander, Pacific Gas and Electric Company

MR. ALEXANDER: My name is Mike Alexander and I am the Manager for Marketing for Pacific Gas and Electric in Marin County.

And, the name "marketing" is kind of a misnomer, since the department I manage,

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the main responsibility of the department is to provide energy efficiency services to customers in Marin County.

Those energy efficiency services deal with, primarily, commercial, industrial and agricultural customers. But, in this case we're dealing with residential and commercial energy efficiency for new construction. And, thus, why I'm talking tonight.

I'd like to address the energy section of the document, and the impacts upon the electrical and gas distribution systems.

PG&E's identified approximately 65 projects throughout our service territory of the magnitude of Bel Marin Keys 5, which is at least a thousand acres in size, or at least a thousand homes that are proposed in construction.

With projects of this size, we see an opportunity, here, to get in early with the developer, if the project is built. And to effect those projects with energy efficiency.

The E.I.R. identifies, through

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suggested mitigation, a number of ways in which the project can meet the State's Title 24 standard. Which is the building performance standard in the State.

The developers have come forward and, to move well beyond what is in the E.I.R., in terms of mitigation.

I just want to talk a little bit about that.

They've met early-on with PG&E in order to seek advice and counsel on incorporating energy efficiency in to the project.

And, the developers have agreed that if the project is to be built and go forward, then they have committed to six very specific ideas.

The first one being that they would exceed Title 24 by at least a minimum of 20 percent.

They would incorporate energy efficiency in to the design of the entire project, both the residences and also the commercial space.

They would work by installing gas

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appliances as opposed to electric, which is much more efficient. And with electric appliances, installing energy-efficient appliances.

They would also provide, as model homes, a number of model homes which would be called energy-efficient showcase homes, which would exceed the standard by at least 50 percent. And, this is part of an existing program that PG&E has now.

They would also offer these homes as options to customers that would eventually purchase the homes.

And, they would work on programs which may exist at the time, and participate in those programs.

And, also work with PG&E to make sure that we validate, in fact, that the savings are happening.

This is rather remarkable for developers, since typically energy-efficiency's on the bottom of their shopping list.

We feel that the impacts that the developers have proposed would benefit both

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the customers -- who would eventually buy these homes through lower utility bills.

It would impact the existing rate-payers and the future rate-payers by allowing us to reduce the costs of installing distribution systems.

And, also would mitigate the emissions of having to produce electricity in power plants by delivering less to those consumers.

We would ask you, in the E.I.R., therefore, to examine these benefits of energy-efficiency, and to make sure that the participation in any of these PG&E programs is considered, as well.

Thank you very much.

COLONEL CARDOZA: Thank you very much.

Ms. Margaret Meeks? Is she still here?

MS. MEEKS: Yes.

COLONEL CARDOZA: Who will be followed by W. -- perhaps G. -- Cumberland?

7: "W" "S".

COLONEL CARDOZA: W. S. Cumberland.

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Comments by Ms. Margaret Meeks

MS. MEEKS: I just have a few things to say about housing and the lock situation.

VOICE: Can't hear you.

MS. MEEKS: I'm short.

The affordable and the moderate income housing -- except for the senior housing -- is clustered on segregated peninsulas. And this is against the County policy, C-3.

I wondered if this could be included -- this issue could be included in the summary.

O-1 Senior housing should be evaluated as the consequences of questionable senior housing are within the scope of the E.I.R.s.

I think it's questionable because, how can we be assured that the number, 110 of which are to be built in the first phase, will remain as senior housing over a period of time? Due to death, you know, inheritance, people selling property and what not?

And, then I also wonder about the

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project financing of seniors.

They request that there's a minimum of 25 percent down of the value of the home. And the developer could provide for second or thirds, not to exceed that 25 percent of the value. These loans mature in 20 years. O-1

And, I think that could be studied.

There's a problem, too, that one spouse might be much younger; only one of the spouses has to be 55. And 20 years isn't that long.

I'd like to mention the locks and the bridges over the locks.

Okay. You know, the perimeter road won't be completed until phase three.

And, for one thing, you know, I wonder what will the emergency access from Bel Marin Keys Boulevard be during phases one and two. C-13

When the second bridge is built, you know, that'll be used. But then the present retractable bridge isn't able to fulfill the amount of time that the fire department requires. They have a goal of five minutes.

And, so how -- what's going to

C.177

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happen with that? Is it going to be rebuilt, replaced? And, who's going to pay for it? C-13

I called the fire department and I couldn't get any answers other than that they have a goal of five minutes.

Then there's a question, a whole question about one additional lock. We now have two locks for the 600 residents.

And, I find it very difficult out there on a weekend with, like four boats waiting at low tide to get in to -- J-3 particularly -- through the lock -- particularly when you're in the creek in a keep boat.

I think there might be a problem of too much use of the current locks. When only -- there are two locks to service the 600 homes and only one lock is planned for the 1,190 additional residences, plus a 200-boat marina.

So, I'm wondering about -- I think that could be further studied.

And, this might be costly to the C.D.S. and maintenance. There could be more use of the other locks.

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I think that's all I have to say right now.

COLONEL CARDOZA: Thank you very much.

Did you give your address for the record? I might have missed it.

MS. MEEKS: Yes.

COLONEL CARDOZA: Okay. Thank you.

Mr. Cumberland will be followed by Robert A. Farnham.

Comments by Mr. Bill Cumberland

MR. CUMBERLAND: My name is Bill Cumberland. I live at 1056 Bel Marin Keys Boulevard.

And, I have some concerns to be considered for the final E.I.S.

Under waterways.

The proposed fingers with the small inlets will restrict water recreational use on the new lagoons, and will force the proposed new home owners to use existing Units 3 and 4's waterways, which we already find are often crowded. J-1

And, we currently have a five boat limit for water-skiing now. And we reach

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that limit on many Saturdays, Sundays, and holidays. J-1

I don't know where we're going to put 1,190 other potential boaters.

The flush of the lagoons raises two possible considerations.

How will these inlets be flushed? We have potential dead water areas. And I don't know of any conceivable way to move that water out of those dead area spots.

Also, as mentioned by Charlotte Maurer, we need a calculation of the available time between tides as relates to availability of water to actually flush all the water we are required to remove, get back in at sufficient velocity to -- again using your word -- mitigate the possibility of increased siltation in our existing or new lagoons, as well as in Novato Creek. E-1

The increased use of the waterways -- as relates to fouling of our lagoons -- must be considered. Increased boating, human use, and so forth, is a definite consideration.

These are safety and health concerns

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as relates to the existing Bel Marin Keys homes.

You must understand that these lagoons are extensions of our back yards.

The proposed use of the lagoons as a flood relief valve. That's been covered. I won't comment further.

Except, I don't understand that as a mitigation. It certainly isn't conceivable to me that we would allow flood waters to come through our lagoons. E-2

During the hundred year storm in 1982, when all my relatives called from around the United States figuring I had washed away, we were in very good shape here. As soon as the tide went down, we opened the gates. We might have had an eight or ten inch rise in our water.

I'm concerned about the rezoning of the bayfront conservation land.

It's been established for a very good purpose. It protects existing sensitive bayfront lands. A-2

This rezoning leads to urbanization of this land. Of diked baylands.

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And, it would irreversibly commit this to development, and would irreversibly lose these lands for any restoration of the wetlands. A-2

The 116 acres that we keep referring to that's under the Corps' jurisdiction would be filled, eliminating these seasonal wetlands from the site permanently. B-1

We must not lose sight of the impact on existing habitat. If you add up the number of acres we're going to build houses on, and streets, and improvements, and commercial, and add those to the new lagoons, we have 735 or 736 acres. B-2

This will be permanently lost.

We don't go get it back. It's gone.

And, finally, what guarantees do existing Bel Marin Keys residents have if the project starts -- and as other projects in this area have done -- stops at some point? Phase one, between phase one and two, during phase two? N-5

Who's going to put the habitat back?

Who's going to un-move the soil?

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TR-3

Who's going to bring back the water foul? Who's going to bring back the animals? Who's going to bring back the fish?

And, who's going to clean up our backyard environment?

Thank you.

COLONEL CARDOZA: Thank you very much.

And, I also appreciate your noting that many of your issues were covered by other speakers.

Mr. Cumberland will be followed by -- excuse me.

Robert Farnham will be followed by Bernhard (phonetic) Jacobs.

I hope that's "jaycubs", not "jahcobes".

Mr. Farnham?

Comments by Mr. Robert Farnham

MR. FARNHAM: Good evening. My name is Robert Farnham. I live at 11 Dolphin Isle.

I'll start with a little bit of what I covered this afternoon, but I'm going in a little bit different direction.

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I have followed this project since the start of the E.A. process.

The decisions on Unit 5 have long-lasting significance, since Unit 5 is the first test of the bay conservation zoning policies, which were established ten years ago.

As you are aware, the land covered by these policies is the most environmentally sensitive land in the County.

The impact of overturning or reducing the effectiveness of the B.F.C. policies on the future protection of B.F.C. lands must be addressed in the E.I.S.

The heart of the B.F.C. zoning in this case is Policy C-1.4.

A-2 The E.I.S. addresses the housing provisions of this policy. However, it does not address the remainder of the policy.

The policy states that if land use, which requires diking, filling or dredging, it must be for the public benefit. And this public benefit must exceed the environmental costs and liabilities.

Now, although some moderate- and

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TR-3

low-income housing may be allowed under this policy, lagoons may not.

Dredging and diking for lagoons which are not of public benefit must not be permitted under this policy. The E.I.S. must address this policy limitation.

And, now this brings us to this question of whether it's a water-oriented community.

If you can't have lagoons, then it's no longer a water-oriented community. And, consequently, should not be permitted. .Or, that should not be a reason for the Corps to permit the development.

The flood control alternative involving the widening of Novato Creek, the parallel channel, I believe should not be included in the E.I.S.

This alternative was not included in the master plan application, nor was it included in the documents available to the public for review at the time of the N.O.P. hearings.

All references to this flood control alternative should be removed from the E.I.S.,

PD-1

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or a new N.O.P. session should be held for a public input before preparing a new E.I.S.

It should also be noted that a Corps permit and an E.I.R. would be required for the widening of Novato Creek.

E-2

The flood control methods under consideration must be evaluated for suitability for the hundred year tide, as well as the hundred year flood.

Also, the flood control method for each project alternative, should be specified and included in the alternative.

ALT-3

Now I'd like to go over here to the map.

An alternative which I proposed in the N.O.P. was one which satisfied -- in the County what's known as the F-2 flood control district. Which says if you set aside three acres you can develop one acre.

And, in this case, 300 acres are already set aside (inaudible) before, which means that out of the 1,600 acres, approximately 327 acres could be developed, and the remaining land left as flood control, a flood plain. And, would consequently

ALT-4

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satisfy the flood control regulations of the County.

What I was proposing was at this point, or where the culverts are there should be a seven foot high weir, seven foot N.G.D.B.

If the water ever got over seven foot N.G.D.B. the water would overflow that weir and come down in to this flood plain. ALT-4 And the 327 acres of houses would be over here.

And, consequently, the major, . majority of -- or, 1,200 acres more or less would be -- I'm sorry -- 700 acres more or less would be left undisturbed and there would be no environmental impact.

In addition, we're going to increase the, increase the size of the lagoons considerably.

And, we're going to try -- supposedly -- to increase the flushing action in the creek.

The erosion on this bank of opening these, these culverts here, has to be addressed. And that hasn't been addressed in

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the E.I.S.

And -- oh, and -- and as pointed out this afternoon -- and since nobody did it this evening, I'll do it -- Colonel, because I think it's important for you to see.

This, this low cost affordable housing will be segregated on this island O-1 here. And these two small islands here. And it will not be spread out through the community.

Thank you.

COLONEL CARDOZA: Thank you very much.

Mr. Jacobs will be followed by Vic Canby.

Comments by Mr. Bernhard Jacobs

MR. JACOBS: I'm concerned about one aspect of the E.I.S. that I think was not covered adequately.

And, it directly concerns the Corps of Engineers because it deals with Section 404. Or, the discharge of hazardous material in to waterways of the United States.

And, I think that Bel Marin Keys is a waterway of the United States, 'cause it

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does empty in through the, through the creek in to San Pablo Bay.

Five years ago the, there was a plan to develop Hamilton Field. That plan was turned down simply because of the toxics that were discarded on either side of the runways and throughout various areas of Hamilton Field.

The cost of cleaning up those hazardous materials -- which include benzene dioxin and a few others --. Because, jet fuel and many of the hydraulics and so on were dumped on either side.

This was policy in most military bases for years. I know, because I've been on a number of 'em.

And, I think that in this particular instance, the project was killed because the -- at least from what I remember from five years ago, reading in the newspapers -- because the federal government would not clean up the mess. And the prospective purchaser of the property felt that the cost was too high.

I'm not sure, but I think it was in

C.183

J-10

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eight or nine figures. Something of that sort.

Because, the only way to clean up something of that sort is through a fill. Some land fill. And it's hard to find a fill of that size.

Now, during the -- from what I understand from some engineers that I spoke to, during the rainy season, the effluent would cause a lateral displacement of those toxics, along the field. And it would be discharged -- and has been discharged -- in to the fields, which are the oat fields at present.

J-10

If those oat fields were not there, that discharge would occur directly in to the lagoon.

If you notice, with the -- section five is right adjacent to Hamilton Field. And if you look, there is a road that runs right from the end of the runway right in to the lagoon. So, you would have that discharge.

There's been some discussion about capping the area with concrete.

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Well, that's inadequate. It hasn't worked before. Unless you can contain everything that's under that cap.

The cap just prevents the water from going directly down, but it -- water is an insidious type of material and it has a way of going through various other substrata.

J-10 And, if you notice, Bel Marin Keys is a water community. We live adjacent to the water. In fact, many of us live in the water. Because, we swim, our dogs swim in the water. So we're in intimate contact with that water environment.

Any pollution -- and there is evidence that some of that pollution is already occurring without Unit 5. Imagine the effect if Unit 5 does come about.

In fact, another concern I have, really, is that dirt that's going to be disturbed adjacent to the field, in the oat D-1 fields, we have no idea -- and that's not covered by the E.I.S. either -- what's contained in that soil that's going to be lifted up and used as fill throughout.

I think that -- I have many other

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concerns, but they've been covered more than adequately by the various people here.

And I think that this issue has to be covered more adequately than it has been in the past.

Thank you.

COLONEL CARDOZA: Thank you very much.

Mr. Canby, followed by Scott Thayer.

Comments by Mr. Vic Canby, Hamilton Re-Use Committee

MR. CANBY: Vic (phonetic) Canby, 22 Crescent Lane, San Anselmo.

Representing the Hamilton Re-Use Committee.

In the scoping session on the 24th of July '91, we submitted a letter from James Richmond, president at the time, regarding four issues which were not adequately addressed in the draft E.I.R./E.I.S.

The first of those is the, that Hamilton Army Airfield is currently in use by J-5 at least the U. S. Army and the U. S. Coast Guard. And, therefore, has acquired certain proscriptive (phonetic) easements in the air

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space over the proposed project.

We want to see those addressed specifically.

J-5 And, we think that under your resource agencies you certainly could have the F.A.A. and the Sixth Army address those issues specifically to show exactly where those easements are.

Although Hamilton Army Airfield is planned to be excessed in 1995, it's unsettled as to whether the Coast Guard will remain and continue to use the airfield.

And, so we would also like to see how that, what the comments of the Coast Guard are with regard to Hamilton.

The Hamilton Re-Use Committee also has a plan which addresses wetlands and the flood plain area, recreation, and future aviation use. Particularly under the plans that B.C.D.C. has for the area.

We would like those to be addressed in the environmental impact statement.

And, if for example there were no aviation use in the future, current Novato City law will grant jurisdiction over the

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airfield portion to the U. S. Department of Fish and Wildlife when excessed.

And, so there is a plan there for a B-4 twice-daily flooding of the wetlands. And, none of that has been addressed in terms of its interaction with this project.

So, we would like to see that addressed.

We will be submitting our written comments, also.

Thank you.

COLONEL CARDOZA: Thank you very much.

MS. DENNIS: Could I ask a question?

COLONEL CARDOZA: Yes, Nona.

MS. DENNIS: When you made similar comments this afternoon, you referred to proscriptive easements. But you didn't say air space. This evening you said air space --

MR. CANBY: Yeah. Air space is in the letter.

MS. DENNIS: And, I -- oh, okay. Because, I --

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MR. CANBY: It's in the letter.

MS. DENNIS: -- assumed that perhaps you were talking about, about restrictive land use in the runway protection zone or on land. That you had some proscription (inaudible).

You're talking about air space, though.

MR. CANBY: Air space, yes.

I simply didn't address that this afternoon because we were trying to save time.

MS. DENNIS: Oh.

COLONEL CARDOZA: Thank you very much.

Mr. Thayer will be followed by James Throckmorton.

Comments by Mr. Scott Thayer

MR. THAYER: My name is Scott Thayer, and I live on 23 Dolphin Isle.

And, it really concerns me that the first real challenge to the bay front conservation zone is even being considered.

Marin County really can't afford to set a precedence like this.

One of my particular concerns is

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concerning the migratory birds in the area. There were a lot of talk with other people about the birds that are in the area.

And there, the E.I.S. does particularly hit on the, the new wetlands being made or, or petfor (phonetic) spills or whatever description comes out of it.

But, there's no discussion at all of what happens during the construction period.

The construction period is stated as under optimum conditions including financial B-9 optimum conditions, that it's going to take nine years. So realistically, that's going to be probably a lot longer than nine years.

And, there's absolutely no talk of what's going to happen to these migratory birds and to the nesting patterns of these birds during that nine-plus years period.

Some of the birds that we have were mentioned before. We have egrets, a lot of pelicans. And this time of the year we have B-2 B-9 huge flocks of Canadian geese that go out and use the pasture lands. And a lot of the, the nesting goes -- the migratory nesting goes, the migratory nesting, just huge flocks

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of birds come through this whole area.

And, nine to 12 to 15 years, however long it takes, something's got to be figured out about what's going to happen to those birds during that period. B-2 B-9

Because during construction and excavation, I really doubt that they're going to be here. And I really doubt they're going to come to this area during that period.

And, the question is, will they come back?

And, another concern of mine is under the water safety aspect.

I spent ten years active duty with the Coast Guard enforcing boating safety laws and working a lot with, with boating safety.

And, we've been real lucky here with the safety aspects we've had so far with, with -- as far as I know -- no major boating accidents. J-1

And, if you increase the number of boats on an area that's proposed like this, the potential of the number boats, the level of safety is just going to really drop. And, eventually we're going to have catastrophic

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accidents here. Losing, at the very least property, and probably life. Sooner or later the law of averages will catch up. Putting that many boats in an area.

And, that really hasn't been looked at, at all, the safety aspect of putting that many boats in such a small area. It's just a real dangerous thought. J-1

And, another point was there was talk of water cleanliness.

There are public parking lots that are being proposed with the community center, the golf course, the shopping center. All of these areas with all these cars are going to have considerable amount of run-off from them with the rain. E-1

Where's this water going to go?

As far as I can tell, from what I've read, it's going to go in to the lagoons.

And, that's just totally unacceptable and something has to be looked at with the aspect of what's going to happen with that kind of run-off.

Thank you.

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COLONEL CARDOZA: Thank you.

Mr. Throckmorton will be followed by Robert Matson.

Comments by Mr. Jim Throckmorton

MR. THROCKMORTON: I'm Jim Throckmorton. I'm President of Bel Marin Keys Community Services District.

I live at 120 Montego Key, Bel Marin Keys.

And, I'm speaking as an individual tonight.

An item I feel was not adequately addressed on the draft E.I.R./E.I.S. is the physical impact of this development on Bel Marin Keys C.S.D. (N-2)

Section five-point-N (5.N) discusses revenues from property tax to Bel Marin Keys for the proposed plan.

I would like to see revenue projections for all the alternatives, and projections on costs to administer or serviced under the various options. (N-6 ALT-3)

Who pays for monitoring the wetlands? Who pays for the requirements to monitor water quality in Novato Creek? And, (N-1)

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the numerous other requirements upon the project? (N-1)

After most of the concerned authorities represented here are gone, Bel Marin Keys Community Services District will be left to run most of the infra-structure of this project. And, we need to know what we're getting in to. (N-2)

Thank you.

COLONEL CARDOZA: Thank you very much.

(PAUSE. APPLAUSE.)

COLONEL CARDOZA: Mr. Matson will be followed by Leda Thayer.

Comments by Mr. Bob Matson

MR. MATSON: Yeah. I'm Bob Matson, and I'm on the C.S.D., Community Services District Board.

I live at 969 Bel Marin Keys.

And, I'm going to speak as an individual, not as my position.

And, it's very short. And so I'll get it over with.

To date I have not seen an in-depth study of the effect that increasing the total

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Bel Marin Keys lagoon volume with the addition of Unit 5 will have on the ability to successfully flush that lagoon within the time-span of normal tide changes.

I do not think that Novato Creek can handle the volume or velocity necessary to maintain water quality in the lagoons or scouring of Novato Creek. E-1

Current experience, based on careful monitoring of the flow after our last dredging of the creek, indicates that we are at our limits now. That the creek depth is not being maintained. And, that a greater flow rate only results in a back-up of creek water upstream of the lagoon water insertion point.

I believe that the final version of the E.I.R./E.I.S. should contain a section devoted to this problem.

COLONEL CARDOZA: Thank you very much.

Ms. Leda Thayer will be followed by -- oh, yes, one of my predecessor's spouses. Ms. (inaudible) --

VOICE: (Inaudible.)

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COLONEL CARDOZA: Okay. Thank you.

(PAUSE. LAUGHTER SIMULTANEOUSLY WITH SOME PARTICIPANTS BANTERING CASUALLY.)

COLONEL CARDOZA: Excuse me. Phil Aubrey (phonetic) will be the next speaker.

Comments by Ms. Leda Thayer

MS. THAYER: My name is Leda Thayer, and I live at 23 Dolphin Isle.

I'd like to refer to the E.A.

And, as we all know by now, the county-wide plan, and specifically policy C-one-point-nine (C-1.9) requires an environmental assessment -- which is called the E.A. -- prior to development of any bayfront conservation zone.

Clearly the policy's normal course of events is to have an E.A. complete before preparation of the development plans. A-1

I would like the E.I.R./E.I.S. to address why Venture Corp. (phonetics) was allowed to complete and submit their development plans prior to the conclusion of the E.A.

The policy also states that the E.A.

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be incorporated in to the E.I.R./E.I.S.

I'd like to see this done. It's not, at this point.

The E.A. of July 1990 concludes that the Unit 5 property should not be developed except for Headquarters Hill area.

Please have the E.I.R./E.I.S. address this conclusion.

With the conclusion of the E.A., I'm confused as to why the project didn't stop right there.

By proceeding with the project before the E.A. was done, it seems that we have allowed the cart before the horse.

Had we waited to discover that the horse was dead, i.e. the E.A. says no development, we wouldn't be wasting time and Venture Corp.'s money on preparing the cart, i.e. the E.I.R./E.I.S.

Please address these conflicts and inconsistencies.

Thank you.

COLONEL CARDOZA: Thank you very much.

(PAUSE. APPLAUSE.)

A-1

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COLONEL CARDOZA: Mr. Phil Aubrey will be followed by Betty Colby.

Is Phil Aubrey here? Aubrey? A-u-b-r-e-y.

VOICE: He was here, but I don't see him (inaudible) --

COLONEL CARDOZA: Okay. Ms. Colby?

MS. COLBY: Sure.

COLONEL CARDOZA: And, followed by Patty -- no.

Followed by Daniel Grinnell.

Comments by Ms. Betty Colby

MS. COLBY: My name is Betty Colby, and I live at 25 Caribe Isle.

Many of the concerns I have regarding the E.I.R./E.I.S. have already been adequately addressed by other speakers here.

So, I will keep my comments brief. And, comment on just a couple of issues primarily involving traffic and access roads.

The E.I.R. reports on several in-depth traffic studies that were conducted in February of 1990 and September of '91.

And, in particular, addresses the impact and the traffic at seven main

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intersections.

Five of those intersections are ramps that connect with Highway 101, and two are intersections of Digital Drive and Commercial Boulevard, where they intersect Bel Marin Keys Boulevard.

C-10 However, there is inadequate information in the E.I.R./E.I.S. on the impact of the suggested perimeter road and where it would intersect Bel Marin Keys Boulevard.

C-5 There is also no indication that the traffic studies took in to account the occupancy levels in the industrial park.

And, at the present time and at the time the studies were conducted, several large office buildings were vacant and others were at various degrees of occupancy.

The E.I.R./E.I.S. also takes in to consideration the proposed McGinnis Parkway.

COR C-2 PD-1 However, from the drawings in the E.I.R. it appears to go over Pacheco Pond, and through Hamilton Field.

It's difficult to determine without adequate drawings and sketches, exactly where this parkway would go, and what mitigation it

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would provide to the suggested proposal.

Also, the McGinnis Parkway, as it is depicted in the E.I.R./E.I.S., could potentially involve runway easements at Hamilton Field and significant toxic clean-up costs.

C-2 More information shoudl be included in the final E.I.R./E.I.S. to adequately address the traffic impacts on the current Bel Marin Keys community.

And, the deterioration in the current traffic flow should be further analyzed if the McGinnis Parkway, Hamilton connector roads are not built.

Also, the E.I.R. says that the Headquarters Hill property is to be sold back to the Jack West family.

The drawings in the E.I.R./E.I.S. indicate that the perimeter road, which is proposed for Unit 5, intersects Bel Marin

C-10 Keys Boulevard in the vicinity of Headquarters Hill.

If this property is sold back to the West family, where will the perimeter road go? Where will it intersect Bel Marin

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Keys Boulevard?

The alterative that would appear to be most likely from the drawings in the E.I.R. is that it would be very close to or over Pacheco Pond.

This also should be studied further before the E.I.R. is finalized.

C-2 A second access road should be required before project development. At the current time there is only one access road in to Bel Marin Keys.

For ease of movement, safety, and adequate emergency access for situations such as the bridge over Pacheco Pond going out, or some type of a toxic spill or severe accident occurring during construction, a second access road should be a requirement before construction starts.

This appears to have been undervalued in the E.I.R./E.I.S., and should be further analyzed before the final E.I.R. is issued.

Thank you very much.

COLONEL CARDOZA: Thank you very much.

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[illegible]

Mr. Daniel Grinnell will be followed by Kitty Raygaul (phonetic) if she desires to make a statement. There's a question mark.

MS. RAYGAUL: I've decided not.

COLONEL CARDOZA: Okay, Kitty.

So it'd be followed by James Hollingshead.

MR. GRINNELL: It's Dan Grinnell.

COLONEL CARDOZA: Grinnell.

MR. GRINNELL: Yes.

COLONEL CARDOZA: Okay.

Comments by Mr. Daniel Grinnell .

MR. GRINNELL: As several speakers have said, the creation of a tidal marsh in place of the managed mud flat and seasonal marsh is a very important change that should B-2 B-4 be explored in the impact statement.

It hasn't been explored.

It's a very significant part of the whole project.

And, because of that, I certainly second the comment of Mr. Heffelfinger. That a supplement to the draft environmental impact statement really ought to be prepared.

You've got a huge amount of acreage.

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This is a complex undertaking, to create a working tidal salt marsh.

B-2 B-4 And, the public really ought to have a chance to comment on that before it goes in to its final stage.

There's something that hasn't been addressed at all in these hearings.

And, it's addressed very -- very -- very cursorily in the statement, in my opinion.

Which is the potential of the new lagoons to, to benefit the local and regional -- even regional ecology.

One of the conclusions in the statement that on page five-point-four-three (5.43), impact B-20, says:

B-5 "Because of the restricted hydrologic connection with Novato Creek and the extensive shoreline development that would accompany the lagoon creation, however, the value of this..."

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That is, the lagoons.

B-5 "...as additional fishery habitat is considered low, Class 3 beneficial."

For the past year and a half, I've been working with the cooperation and funding -- for which I'm quite grateful -- of the C.S.D. together -- although Mr. Alexander of PG&E probably doesn't realize it -- PG&E, the California Coastal Conservancy, and Marin County to create a section of wetland right here in Bel Marin Keys.

This is the thousand foot stretch across the street, and going up.

These pictures are a year old and many people have already seen them. But, I'll just pass them to the panel.

What we have are extensive areas of shoreline. This is the area, here, that's been a thousand feet that -- it's been partially revegetated with Pacific cord (phonetic) grass and pickleweed.

An additional $11,000.00 has been committed so far to put other upland plants

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along the shore. And, that'll start, hopefully, this fall.

But, we have all this additional area here which has the potential for wetland creation.

Whether we like it or not, the habitat animals are -- wildlife is here with us. We don't, we can't exclude them just for water-skiing and motor boating purposes. They're right here.

So, why not have the draft E.I.S., the final E.I.S. address how we can make these lagoons serve this dual purpose. That is, the ecological purpose plus the recreational purpose.

Because, it's going to happen anyway.

And, in doing this we have to worry about water circulation. The operation of the lagoons.

E-1 Perhaps once a month tidal flushing isn't adequate.

I can get a three foot section, a width of cord grass to grow, maybe we can get a little bit more to grow if we had more

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frequent tidal flushing.

But, certainly the quality of the water would be improved. We would have less to fear about toxics leaching from Hamilton Field -- a little bit less to fear -- if we had the gates open twice a month.

I know this has been thought of in

E-1 the past. The impact on sedimentation -- sedimentation impacts have to be considered.

The whole -- everything -- all the implications have to be considered.

But, certainly we have to think about the lagoons as part of the environment. Not have the environment that we're trying to protect as something out there. But, it's also right here with us.

So, thank you very much.

COLONEL CARDOZA: Could you state your address for the record, please?

MR. GRINNELL: Yes, 934 Bel Marin Keys Boulevard.

COLONEL CARDOZA: Thank you very much.

Mr. Hollingshead will be followed by David Sowers.

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Comments by Mr. Jim Hollingshead

MR. HOLLINGSHEAD: My name's Jim Hollingshead. I live at 177 Montego Key.

And, most of what I wanted to say has already been said.

I do want to say that I'm not opposed to the development.

I do feel that the new lagoons and wetlands would do more for the fisheries, wildlife and human residents of Marin County than the present oat hayfields. CN

And, I'm also concerned about the additional access to Highway 37 from Bel Marin Keys. C-2

Thank you.

COLONEL CARDOZA: Thank you very much.

Mr. Sowers will be followed by Mary Alberigi.

Comments by Mr. David Sowers

MR. SOWERS: Good afternoon, Colonel. When they butchered my name I reminded the moderator it was Sowers as in flowers.

I'm David Sowers, a resident of 10

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Dolphin Isle, Bel Marin Keys.

I'm also Vice Chairman of the Bel Marin Keys Planning Advisory Board. And, also Chairman of the Unified Citizens Committee.

But, tonight I'm really speaking for myself and my family.

Our bottom line is this.

I'm really not against the Unit 5 project, if it is implemented properly.

But, I do not support the proposed project or the large alternative variance of that project.

They cause too much disruption, they cause too much change to the land, the water and the habitat.

The Unit 5 project -- it will not double Bel Marin Keys. It will nearly triple it. You go from 600, or between 600 and 700 and you add 1,190, you're tripling, you're not doubling. So, Unit 5 project will nearly triple the size of our community.

And, given proposed projects at Hamilton Field -- and that E.I.R.'s within two or three months of being completed --

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which is proposing between 1,200 and 1,500 dwelling units. Given the Renaissance Estates on our northern border, another 150 dwelling units with a golf course. And, then Unit 5 with 1,190 dwelling units.

The cumulative impacts could be tremendous.

CUM-1 I think the final E.I.R. -- at least at a macro level -- needs to talk about the total impact to this community if all these projects are built.

Affordable housing is something I support, and I think everybody in the room does. And, it's a nice term, however, just like lower taxes.

O-1 But, I think the E.I.R. needs to carefully define, in this case, for this project, sales price versus creative financing options.

And, some of the other speakers talked about the grandfathering of that.

And, perhaps most importantly, we need to justify why it is appropriate to build affordable housing on environmentally sensitive waterfront properties, commingled

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with a golf course, on property that has very extremely limited access.

Wouldn't it be more appropriate to build affordable housing on less environmentally sensitive land? On land closer to the freeway? On land closer to public transportation? On land within walking distance of shopping centers, large shopping centers such as Vintage Oaks?

You've heard a lot about the environmental assessment document, and you're a very key agency.

But, let me quote something that none of the other speakers has quoted tonight, what other communities feel.

There is a county-wide planning agency, and the minutes taken June 25th, 1992, two months ago -- I would like to read. Quote:

> "All the city counsels agreed that the wet-lands and diked marsh-lands should be protected. They recommended that

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housing not be built on wetlands and diked marshlands. The councils of Tiburon, Sausalito, Novato, San Anselmo, Ross, and Fairfax went further to suggest that the county establish a bayfront resource corridor as proposed by the Marin Conservation League."

That wasn't a majority. That was all.

ALT-5 Given the views of these city councils, and given the conclusions of the environmental assessment, how can the draft E.I.R. consider such a large development for Unit 5?

I'm emphasizing the word "large".

A-1 The final E.I.R. should include, therefore, a summary of the E.A.

And, more than that, the authors need to state very explicitly the E.A.

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conclusions with which they agree, and which they are using as a basis for their evaluation.

A-1 They need to state which ones they disagree, and why.

And, they need to state to what extent the final project design satisfies the concerns of that E.A.

We've heard a lot about transportation. And, I'm going to skip part of that. But, I'd like to improvise on a point.

The Port Sonoma ferry may be a useful regional project. However, I'd like to make two points.

This afternoon we heard -- much to my surprise -- that the County of Sonoma is not supporting that project. That was a letter or a quote that came from the

C-1 officials in a letter that was sent to them.

The second point is, that ferry may have a lot of value for people living in other parts of Marin. But it does not have a local stop in Bel Marin Keys.

Therefore, it will not have traffic

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mitigation per se for this project.

If you lived here, Colonel, you'd have to drive out to get to the ferry. You couldn't go in your back yard. I guess you could take your boat. But, on the other hand, that wouldn't be a very practical way to do it.

One of the things that struck me about this E.I.R., quite frankly, was not very much was said about the Corps.

And, I'd like to quote the E.I.S. Quote:

> "For the Corps the decision whether to issue a permit for the proposed project will be based on the evaluation of the project's probable environmental impacts including cumulative impacts, the comparable impacts of alternatives and the

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> public interest."

I believe the Corps, certainly, has a major and appropriate at stake. And, you've outlined some of the regulations.

However, frankly I could not determine from the E.I.R. the specific mitigation which the Corps will evaluate.

I, therefore, think the authors of the E.I.R. should specify the Corps' issues in a separate section. And, then comment on which design alternatives substantially mitigate, partially mitigate, or poorly mitigate your concerns.

In conclusion, as I said at Marin County this afternoon, they've been a national leader in county planning, starting in the 1970s. And, later with the bayfront conservation zone policies in the 1980s.

But, as you see from this large project, your strong hand and foresight is also required to help ensure that this community grow properly and responsibly.

Thank you.

COLONEL CARDOZA: Thank you very much.

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(PAUSE. APPLAUSE.)

COLONEL CARDOZA: Mary Alberigi will be followed by Glenn (phonetic) Alberigi.

MS. ALBERIGI: Use your hands, it's easier.

(PAUSE. LAUGHTER.)

COLONEL CARDOZA: At least I got the second one right.

MS. ALBERIGI: Okay.

Comments by Ms. Mary Alberigi

MS. ALBERIGI: So, it's Mary Alberigi.

And, it's 21 Bahama Reef.

And, first of all I'd like to say that I second everything that was said by Charlotte Maurer and Bob Farnaham. Thank you for your great research.

And, just add a few comments on how I think the quality of life will be affected here.

ALT-5

First of all, I think the project is too large for this area.

And, poses a serious threat to the Bel Marin Keys community.

It would have a detrimental effect

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on the wildlife and on the quality of life of the present Bel Marin Keys residents.

It would change Bel Marin Keys from a quiet residential neighborhood in to a commercial area.

And, would hasten the destruction of the fragile bayfront.

There has been reference to housing density.

The issue to us is not density, however. It is how 1,200 additional homes would affect the lives of those that live in the existing 600-plus homes.

Adding 1,200 homes with the boats, the cars, the traffic, and the inevitable crime from the public being here and the increase in population, that all this would be unacceptable to us.

It would destroy our neighborhood.

The E.I.R. needs to examine these adverse affects on the present residents and on the wildlife of Bel Marin Keys.

And, related to traffic. I would like it to be addressed in the E.I.R. if there is some sort of restriction or

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protection that can be in place so that the emergency bridge that leads along, that leads over Bel Marin Keys Boulevard across Unit 3 lock can never be replaced by a permanent bridge. C-13

I mean, what is the possibility that these residents in Unit 5 could vote one day to turn this in to a permanent road?

This would, then, make Bel Marin Keys Boulevard terribly unsafe for all the families living along there. It would turn it in to a freeway.

And, we're a little afraid we'll be outnumbered when that vote comes up.

Also, the E.I.R. should review and include the conclusions of the environmental assessment which found -- and I'll quote: A-1

"The entire area is basically un-suitable for development."

Finally, it's important to note that the developer, Venture Corp. purchased the property at least two years after it was rezoned to bayfront conservation. Which is

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C.200

the major deterrent to this development.

The draft E.I.R. should include this fact.

Thank you.

COLONEL CARDOZA: Thank you very much.

Glenn Alberigi, is that right?

(PAUSE. LAUGHTER.)

COLONEL CARDOZA: Will be followed by Marge -- this is a tough one -- Roome, or Roome?

MR. ALBERIGI: Well, my wife stole my notes.

COLONEL CARDOZA: Uh huh. I thought this might be a ploy, if you have one interest and get double time, I'm not sure.

MR. ALBERIGI: No.

Comments by Mr. Glenn Alberigi

MR. ALBERIGI: Most of this was said. I'll go over it really fast. And, for everybody again.

I still live at 21 Bahama Reef, if my wife lets me come back home. Okay.

I'm a homeowner and resident of Bel Marin Keys. And, I'm very concerned about

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the harm that would be caused by the Unit 5 project.

ALT-5 This project is too large for this area.

It would create a significant adverse environmental impact, as pointed out in the environmental assessment C-1-four.

In fact, the E.A. stated the entire site is within the historic marshlands, and in agricultural use. Therefore, the E.A. A-1 authors have designated the entire area as basically unsuitable for development, and should remain in bayfront preservation and an agricultural use.

The proposed project would -- as my ALT-5 neighbors say -- the size of the community would triple. Would triple this whole community.

And, it would change its present residential character. Through the addition of a shopping center, as we all know. Commercial golf and tennis complex. Restaurants. And, even a fast food restaurant. Social center, and a school.

In addition to numerous problems

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related to safety and the environment, is the issue of traffic.

And, I strongly urge that there be a more in-depth study of the effects of the increasing traffic so dramatically in this area.

At present, we have only one two-C-10 lane road in to Bel Marin Keys, and this road cannot handle the increased traffic.

Again, and it's been said here a hundred times tonight, but I don't think it can get any clearer.

It must be mandatory for a second access road to be provided through Hamilton Air Force Base, should there be any development of this property.

This road should -- this road should be, would need to be in operation before any construction begins.

I -- I just can't say that as many times. I mean, that is very important. If we're going to do anything over there, that road's got to be in.

ALT-1 Then, again, I believe the E.I.R.
ALT-3 should do a detailed study of a reduced size

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alternative of 160 homes.

This was not examined thoroughly in the draft E.I.R. And, this case would certainly be more environmentally acceptable than the mitigated alternative of 900 homes.

My wife also said, against -- about the ferry. And it was also brought up this afternoon. That Sonoma, that the County of Sonoma also said that the ferry was not in their plans, either. C-1

So, that should also be looked in to.

And, as Bob also stated, that the, that if the road is going to be coming through the West, as we see it, as the road comes in on the -- the perimeter road -- comes through West property, and is going to be deeded back to him.

So, we really don't have any -- we really don't know what, where that road's going to come in at. C-2

So, that would also have to be addressed.

Thank you.

COLONEL CARDOZA: Thank you very

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much.

Ms. Roome will be followed by Vince Lattanzio. Or is that Lattanzio?

(PAUSE. LAUGHTER.)

Comments by Ms. Marge Roome

MS. ROOME: My name is Marge Roome, and I live on 29 Bahama Reef.

I'd like to begin by stating that both my husband and I are opposed to the development of Unit 5, because we are gravely concerned about the impact that approximately 1,200 more homes will have on the environment, our lifestyle, our property value, and things that have been mentioned -- traffic and water safety.

We are also proposed to the development because we fear the impact of increased crime due to increased public access and facilities. Both the facilities and recreation. J-6 J-8

We also ask why the environmental assessment is not adequately addressed in the E.I.R.? A-1

But, my specific comments tonight have to do with the fiscal impacts of Unit 5.

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TR-3

The E.I.R. neglected to address the following fiscal impacts.

The first ones are in regard to the creek.

It does not address the fiscal impact of increased dredging that will be required due to more boat traffic. Which, obviously, will cause increased silting.

It does not address the fiscal impact of lower water velocity during flood season, due to the bypassing flood waters which will result in less flushing during flood season.

It doesn't, the E.I.R. does not clearly address who pays for the dredging. The County or Bel Marin Keys?

Nor does it address the cost to the County for dredging the proposed new channel.

In regard to the lagoons.

The E.I.R. does not address the fiscal impact of increased during the lagoons' flushing. There will be considerably more silting at those inlet culverts due to increased acreage of water proposed for Unit 5.

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N-1
N-2

E-1
E-3

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TR-3

Nor does it address the cost of dredging the silt caused by flood waters.

We feel that these are but a few of the fiscal costs not addressed in the E.I.R.

However, we did not have adequate time to really review it. And, was also very often difficult to comprehend the E.I.R.

But, please address the issues that I have raised in regard to the, I would say, inadequacies of the E.I.R.

And, please don't let a developer ruin what is unique and precious about the community that many of us have chosen to live in.

Thank you.

COLONEL CARDOZA: Thank you very much.

Mr. Lattanzio will be followed by, at last an easy one, James Wilson.

Comments by Mr. Vince Lattanzio

MR. LATTANZIO: My name's Vince Lattanzio. My wife and I reside at 1092 Bel Marin Keys Boulevard. We've been residents here for almost five years.

And, I don't want to take a nimby

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(phonetic) approach to this, which is not in my back yard. This is not a back yard problem.

This is a regional concern.

This is the largest tract of land of bay conservation in the Bay Area.

It is proposed as a single development.

I have watched and become interested in what the development would be built out, and have been sorely disappointed in the plans and proposals and mitigation methods that have been either inadequately discussed or not discussed at all.

Many of those issues have already been brought up, so I will not repeat them. They are quite obvious.

But, they all stem to the health, safety and welfare of not just the community, but the bay.

And, the bay is dying. And we need to start doing everything we can to save it.

And, this is the first measure that was of any significance in the Bay Area -- was zoning this area bay conservation.

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To watch that so easily and inappropriately be discarded, and that even through the legal procedures be totally ignored -- the fact that we're here is, in many respects, disappointing and disgusting.

Because, it is not developable land. It is not sustainable development. You can't sustainably develop on unsuitable land for development.

And, it's a sad day and a sad legacy that we would leave our children if we would continue to develop in these manners.

This is something that is far more important than what happens in my back yard. This is our Earth. And this is a part of it.

If we don't start acting more locally and thinking globally, we'll all be in trouble. We'll be long gone -- and I hope that the bay's still there.

But, if we act in such capricious manners, it will not be.

Some of the points to take the big picture concerns that the developer initially addressed would be local policies.

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TR-3

B-2 I don't understand how taking 1,600 acres of habitat and replacing it with 600 is rational.

Affordability.

$300,000.00 isolated in a community that is far from any urban connection is unintelligible to me. I don't understand why you would do that.

The feel of the community -- that was mentioned -- would be totally lost. And it's not recreated by the development that's proposed.

ALT-5 This land just can't stand this level of development.

And, it's proven and stated and clearly identified in every legal document that's been prepared by experts before this plan.

B-4 The habitat. The tidal marsh that was spoken about was, is an existing use that we'd like to see expanded, not avoided.

So, we'd like that addressed in the E.I.R.

Housing. The long-term commitment to our environment is far more significant

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TR-3

than the need for temporary housing.

And, other concerns that are not

ALT-4 addressed in the E.I.R. include -- which we've mentioned earlier -- offset alternatives without such serious environmental constraints.

One of the areas that we have been concerned about as residents here -- and watching and studying and examining the water on a semi-annual basis -- is that, the degradation of the water quality in our own back yard, presently.

And, we haven't fully addressed

E-1 scientifically what the source is. But we have a strong sense that the drainage from the newly developed 159 homes in Sunset Lagoon -- and its newly implemented landscapes that are maturing, and fertilizing of those lawns and landscapes, and drainage in to our lagoon -- has caused the algae bloom that this is, that we are now, that is occurring presently.

This is the first time we have seen algae bloom. And, it directly relates to the level of development that's taking place in

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the back yards. Which has been -- it has been delayed.

Because people, once they bought their homes, couldn't afford to put landscaping in. And it took several years.

So, over the past five years is the first time we've seen the impact of the landscapes having gone in.

And, I'm very concerned about the addressing of that issue in the E.I.R. as a separate issue.

And, the reason is not only is there a housing proposed. But, a golf course? What worse case could you have on a bay?

E-4

And, we only need to look at the examples of bayfront golf course development to find degradation of baylands.

Particularly, if we want to help the bay, this is not the way to do it.

Again, the alternative and highest use is to slowly and carefully improve the wildlife in bay conservation area as it stands.

Thank you.

C.206

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COLONEL CARDOZA: Thank you very much.

(PAUSE. APPLAUSE.)

COLONEL CARDOZA: Mr. Wilson, followed by Mathilda White.

Comments by Mr. James Wilson

MR. WILSON: James Wilson, 24 Bahama Reef.

I've lived there for eighteen years, and seen quite a few developments. Four of which weren't completed. Left in a shambles. Some on my own street. For over a year at a time.

It is real for the developer to fail. It's a high-risk business, and I really respect him for the risk he's taking.

I also have issue about so many houses going in.

I realize there's a matter of money, and it does entice you to put so many houses in these sites of a plot [sic].

But -- if it's zoned for 600 houses, I think that should be the start of the negotiations for how many is actually going in.

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If it's zoned for 600 houses and somebody says let's put, let's try 1,200 and see what happens, maybe we'll get 600 -- I don't know if that's how the number of 1,190 came about or not. But, I suspect it may have had some influence on it.

Also, I would like to bring up another point.

In Florida and in Louisiana, New Orleans area, the Army Corps of Engineers has been very active over the years, at the start of the '60s.

And, I've seen documentaries on this that presently there -- the Army Corps of Engineers are in there cleaning up the problems that were created in the '60s through mismanagement of projects similar to this, only on a grander scale.

I would really like to see hydronics [sic] experts of some kind to address the issues that everyone has brought up tonight.

Including, in fact, maybe a modeling. Maybe it could be incorporated with the model you have in Sausalito. But, a modeling of some kind to see the interactions

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of the water and the toxins. And there could be quite a few of these things incorporated within that.

And, that's all I have to say. Thank you.

COLONEL CARDOZA: Thank you very much.

(PAUSE. APPLAUSE.)

COLONEL CARDOZA: Is Mathilda White --? Followed by George Youngerman.

Comments by Ms. Mathilda White

MS. WHITE: My name is Mathilda White, and I live at 64 Bahama Reef.

My husband and I feel that the alternatives to the proposed Unit 5 plan have not been adequately addressed in the draft E.I.R. and E.I.S.

A development this size in this location will not help the environment and will reduce open space. ALT-5

This seems to be out of step with the current efforts to save open space, marshlands, and agricultural areas contiguous to the bay.

We are concerned that the

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environment will be compromised with the creation of new habitats and wetlands to replace existing ones.

We are also concerned about the congestion that will be caused by the huge influx of residential and nonresidential cars, trucks, busses, which will undoubtedly have an impact on our air quality and increased noise levels. F-6 G-1

We are also concerned that very little new water space will be available for sailing or water-skiing, thus significantly increasing the use of the existing lagoons. Primarily, Sunset Lagoon. J-1

To conclude, we are not against sensible growth and positive change. However, we are against explosive growth and negative change.

We do not support the Unit 5 plan as proposed and recommend a much less ambitious plan, scaled-down version, if development must occur at all, in such an environmentally sensitive area.

Thank you.

COLONEL CARDOZA: Thank you very much.

Mr. Youngerman?

VOICE: Mr. Youngerman had to leave and he asked me to report Mr. Cumberland had covered all the issues that he wished to cover.

COLONEL CARDOZA: Okay. We'll note that for the record.

Is there anyone else who would like to make a statement this evening? Or, would care to present a written statement?

(PAUSE. NO VERBAL RESPONSE.)

COLONEL CARDOZA: If that's the case, I thank you all for your articulate comments. Very well prepared.

And, I also appreciate the fact that you also stayed to the point -- that is, addressing the E.I.S., addressing the issue, the problems at hand. That will make it very helpful for us in completing the E.I.S.

Thank you very much. And, I'm going to now declare this public hearing closed.

(WHEREUPON, THIS PUBLIC HEARING WAS ADJOURNED AND CONCLUDED AT 9:55 P.M.)

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TR-3

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CERTIFICATE

AS THE REPORTER, I HEREBY CERTIFY THAT THE ATTACHED PROCEEDINGS BEFORE U.S. ARMY CORPS OF ENGINEERS PUBLIC MEETING IN THE MATTER OF BEL MARIN KEYS UNIT 5 DRAFT ENVIRONMENTAL IMPACT STATEMENT PLACE NOVATO, CA DATE SEPTEMBER 14, 1992

WERE HELD AS HEREIN APPEARS AND THAT THE STATEMENTS THAT APPEAR IN THIS TRANSCRIPT WERE RECORDED ON AUDIO TAPE BY ME AND TRANSCRIBED AT MY DIRECTION:
AND THAT THIS TRANSCRIPT IS A TRUE AND ACCURATE RECORD OF THE PROCEEDING.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND ON THIS 21ST DAY OF SEPTEMBER 1992.

Kent Andrews

REPORTER

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7. Individuals - Letters PB-1 to PB-99 [redacted]

PB-1

Attachment to PB-27

Robert A. Farnham and Lisa T. Farnham
11 Dolphin Isle
Bel Marin Keys , CA 94949-5391

February 2, 1991

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
Civic Center
San Rafael, CA 94903

Subject: Notice of Preparation - EIR/EIS for Bel Marin Keys Unit 5
Addendum to Letter of January 28, 1991

Dear Mr. Haddad:

We wish to amplify the following recommendation under "Hydrologic and Watershed Factors" in the previous letter.

"The base case in the County Flood Control Regulations for development in an F-2 zone provides for 3 acres of ponding area for each acre developed and for the landowner to provide drainage improvements to enable use of the ponding area (Sect. 22.95.030.(b)(3) for flood control. Evaluate the impact of this base case alternative on the environment and the existing community."

Evaluation of this case should include siting the project on the land adjacent to HAF Base for minimum impact on the human environment of the existing community, on the natural environment, and on agricultural production.

Please call me at 883-2328 if I can be of assistance.

Sincerely,

Robert A. Farnham

cc: Stacy Lawson
Supervisor Bevis
Bel Marin Keys CSD
Bel Marin Keys Unit 5 Committee (David F. Sowers)
Marin Conservation League
Sierra Club - Marin Chapter
Flood Control Zone #1 Advisory Board
Marin Audubon Society

C.210

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Robert A. Farnham and Lisa T. Farnham
11 Dolphin Isle
Bel Marin Keys, CA 94949-5391 Telephone: 883-2328

July 24,1991

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
Civic Center
San Rafael, CA 94903

Subject: Scoping Session Comments - EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

We appreciate the opportunity to comment and provide recommendations for the subject documents.

In addition to the issues addressed in Environmental Science Associates (ESA) accepted revised proposal of May, 1991, the EIR/EIS should address the following issues:

Site Discription

Correct the site area to 1595 acres as stated on page A-2 of the Addendum to Final Environmental Assessment, August 24, 1990.

The maps included with the Public Notice from the USAC of Engineers are incomplete. The development site includes an area at the Northwest corner between RNK Blvd. and Novato Creek which is partially zoned F-1, Primary Flood Zone. This area needs to be included in the EIS.

Alternatives

The "build" alternative with the minimum impact on the environment is outlined below and should be evaluated as a stand-alone alternative.

The base case in the County Flood Control Regulations for development in an F-2 zone provides for 3 acres of ponding area for each acre developed and for the landowner to provide drainage improvements to enable use of the ponding area for flood control (Sect. 22.95.030.(b)(3).

This ponding, combined with locating the minimum permissible residences on a minimum site area bordering Hamilton Field plus Headquarter's Hill, would yield the minimum overall environmental impact to the site and the surrounding communities.

This alternative, (1) provides for better access for emergency vehicles and will probably eliminate the need for an additional Fire Station, (2) meets the mitigation measure included in the BFC Zone Policy, ie, "Residential units will have to be tightly clustered, leaving environmentally sensitive areas undeveloped and buffer zones where necessary", and (3) it does not induce growth by making other land available for development, which would occur if non-ponding alternatives are selected.

Growth Inducement and Secondary Effects

This section must include not only growth effects on services and utilities, but also effects on air quality, traffic, and displaced wildlife.

Biological Resources

Evaluate the impact of traffic and other human activities on flora and fauna in addition to lighting. Evaluate the impact on the remaining existing wildlife areas as well as the new proposed areas during and after each phase, and during construction.

Hydrologic and Watershed Factors

Base the quantity of flow for flood control calculations on the ultimate build-out for all drainage areas involved.

The proposed plan reroutes flood waters from the Novato Creek through new lagoons and thereby alters the present ecosystem. The creek will not have the same scouring as now occurs during the winter flood season. The plan proposes to route the creek water through the lagoons whenever the water level at the eastern end of the development exceeds a certain level. As a result progressively less scouring will occur each year as the creek silts up and more water is diverted through the lagoons to prevent flooding.

The frequency of creek dredging would also increase with less flood scouring. The proposed flushing of the lagoons will not compensate since the flushing will not provide sufficient velocity to clean the creek bottom.

The impact of this change, or any other similar proposed change, in water flow must be evaluated for long term, as well as short term, effects on the creek environment.

Evaluate the capacity of any proposed flood control method compared to that of the Ultimate Channel specified in the Regulations, as required by the Regulations.

If computer modelling is used to evaluate flood control alternatives, first evaluate the computer model. Use known input data and compare the computer results to the corresponding known flood results. The 1982 flood data is one possible case for evaluation. Lack of base case data is not an adequate reason to accept the computer results.

Evaluate the project for compliance with Paragraph 2 of the Drainage Agreement for Bel Marin Keys Unit 4 recorded on Pages

PB-2
Attachment to PB-27

183-186 of Book 3717 of the Official Records, County of Marin (Agreement). It states: " owner shall not fill or otherwise
1 prevent flood water ponding upon the real property designated as Area 'II' on Exhibit 'B'" (the 300 acre ponding area set aside for Unit 4). This provision shall remain in force until "the ultimate channel improvements, or their equivalent, are constructed as shown on Exhibit C__".

Evaluate whether the Agreement allows use of alternate methods
2 for compliance as the flood regulations do, or if only "constructed" improvements equivalent to the ultimate channel, as stated in the Agreement, will satisfy the Agreement.

Evaluate whether utilizing an existing channel complies with the
3 Agreement so as to release the 300 acres set aside for Unit 4 or must the area remain as a ponding area under the proposed method. Evaluate compliance with the restrictions in the Agreement during each phase of the project.

Evaluate the impact of the proposed project for encroachment on
4 F-1 zoned property, which is not permitted regardless of the flood control methods used. Only the full use of F-2 zoned property is permitted with agency approval.

The Ultimate Channel (UC) is designed to carry all the flood water, originating from the flood zone, from the UC mouth to the bay. The property adjacent to the UC no longer needs to rely on
5 ponding if the UC is constructed, consequently all affected ponding land could be developed if the UC is built. It follows that if the alternate flood control method proposed for this project is approved as equivalent to the UC, then the UC would be considered complete from the bay to the upstream end of Unit 5.

Evaluate the environmental impact of completing the UC, or its equivalent, on future development of all the affected property,
6 including potential development of flood control lands no longer needed for flood control. Evaluate the growth inducement and secondary effects as outlined on page 18 of EBA's proposal including the social, cultural, and economic impact on the existing BMX community and on Novato of this development.

Storm water from streets in Units 1-4 drains directly into the lagoons. Evaluate the impact of storm water and run-off from the proposed public service areas entering the lagoons.

Evaluate impact of toxic-waste entering the site with drainage or groundwater from Hamilton Field. This evaluation must include the proposed closing of Landfill #26 using groundwater treatment. The migration of groundwater from the lagoons to the Landfill #26 perimeter water collection system must also be evaluated.

General/ Specific Plan Factors

Evaluate the need for each of the facilities proposed for the commercial center since the site is zoned single-family residential. Evaluate compliance with the present Countywide Plan Environmental Policies and the precedent for future development within the county.

If a need for a proposed facility is established, evaluate the alternative of locating the facility in the existing Industrial Park or adjacent propery. Evaluate limited access roads to the proposed site, and alternative use of the site to reduce housing density and/or increase the wildlife area in this BFC zone.

The Final Environmental Assessment (EA) states the maximum total number of residences permitted by the current zoning for Unit 7 is 655 (see page ii of the Executive Summary and bottom of page 54 of the report). Change the maximum number of new residences to 640 to account for the correct site area and the 7 existing residences on HQ Hill as specified in the "Addendum to Final Environmental Assessment", 8-24-90, pages A-2 and C-1.

Community/Cultural Factors

The Final EA Addendum on page C-1 sites the ABAG projected housing needs for the unincorporated county area to be only 284 units in the area outside of San Rafael's sphere of influence. The EIR/EIS should base housing needs on the EA.

Affordable Housing Program

The Affordable Housing Program (Program) is an integral part of the project since it is cited to justify increased density. The applicant is relying on this program to permit building more houses than permitted by present zoning. The EIR/EIS must evaluate the program's reliability to determine if the increased growth is justified.

To determine the Program reliability, evaluate the following:
1. The 9.5% appreciation rate is not applicable to townhouses. Evaluate the Program using the appreciation rate for townhouses and applying the same conservative assumption, ie. ~50% of the correct rate. Include the effect of homeowners dues to maintain locks, docks and levees. Include the inter-relationship of interest rates and appreciation rates. The analysis can not assume they are independent.
2. During the 5 years beginning in 1980 the average home had less than 1%/year appreciation. Evaluate the impact of this occuring again, and for even longer periods. Evaluate the impact on homeowners who buy and then have to sell during such a period.
3. The scenario for the "first-time" buyer uses the average home price but the maximum qualifying income. Evaluate the first-time buyer program to determine who can buy the homes which sell for above the average cost home.
4. The scenario for senior citizens omits consideration of the tax laws which allow $150,000 profit and rolling over the balance into a new home without any income tax. Evaluate the effect of this omission.
5. Evaluate the impact of the 20 year mortgage limit on the

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senior citizen who pays only 25% down, is 65 years old, and lives more than 20 years.
6. Evaluate the social, cultural, and economic impact of concentrating the low-cost housing in three segregated island compounds and a senior citizen area. Evaluate the effect of this segregation on the appreciation rate of the value of these homes and the owners ability to pay the balance of their debt if they were compelled to sell.
7. The first-time buyers program requires the buyer to share the profit with the county when the home is sold. Any improvements the buyer makes will be paid for by the buyer. Evaluate the impact of these economics on the upkeep of the property and its appreciation rate.
8. Evaluate the impacts of all of the above on the proposed County Low-Cost Housing Fund and the County's ability to continue a Low Cost Housing Program as proposed.
9. Evaluate the growth inducement effect of allowing the proposed density bonus for low cost housing on future projects in similiar areas of the county.

BMX Community

Evaluate the impact of the project on the human environment, ie. the social, cultural, and economic environment of the existing BMX community. Include the following:
1. Evaluate an alternative design for the main collector road which would increase the open water area and limit public access to the lagoons, which is a major security concern to the community. Evaluate using narrower parallel roads feeding onto the main road, similiar to Main Street in Novato, so private homes would line the whole lagoon.
2. Evaluate the safety and adequacy of the water ski area.
3. Evaluate composition of dust generated during construction of Unit 5 for materials harmful to human health, such as undegraded pesticides, fertilizer, and toxic materials entering the site from groundwater. Evaluate the impact on BMX residents.
4. Evaluate the impact of the potential mosquito hazard and odors from the seasonal marshland and managed wetland habitat.
5. Evaluate the effects on the existing community of constructing a permanent bridge across the locks for emergency access, if it is considered necessary for the required response time.
6. Evaluate the impact of more than doubling the size of the community on the community environment.
7. Evaluate the impact of the addition of a commercial center.
8. Evaluate the impact on the community of having two governing entities responsible for contiguous lagoons and dikes if Annexation to Novato is a considered alternative with new lagoons.
9. Evaluate the impact on the community of the Flood Control Advisory Board having jurisdiction over the lagoons used for flood control.

Traffic and Circulation

The increased traffic will cause impacts within the proposed and existing communities as well as externally (on the highways).

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PB-2
Attachment to PB-27

The major impact will be internal, including 101 access.

At the request of a Planning Commission member, the Final EA Addendum on page A-2 calls for further analysis of the need for a secondary access road to the development. ESA's Proposal treats this important aspect of the project very lightly. A detailed analysis is required.

Much of the traffic mitigation proposed for the project has been proposed by government agencies. Evaluate the impact on the mitigation credit accrued to the project, for each separate mitigation proposal, if the proposal is wholly or partially funded by government agencies.

Evaluate correct basis for traffic generation rate from Unit 5. Evaluate similarity to Unit 4 traffic generation.

Evaluate the traffic impact within the proposed and present communities, including the intersection of the new collector road and BMX Blvd.

Agricultural and Landuse Policies and Economics

Evaluation of the site for agricultural value must include an evaluation of not only the present use, but also the maximum potential of the site. The owner has no incentive to maximize the agricultural value of the land since he wishes to develop it.

The agricultural value of the land is apparent from the current hay yield without any irrigation; 4.6% of the hay produced in the North Bay was produced in Bel Marin Keys on only 2.7% of the total land. It is producing almost twice the average of all the other land in the North Bay.

The evaluation of the agricultural potential of the land should include comparing the use of the Novato Treatment Plant water for agriculture irrigation versus golf course irrigation.

Sincerely,

RAF

Robert A. Farnham

cc: Supervisor Bevis
Bel Marin Keys CSD
Marin Conservation League
Sierra Club - Marin Chapter
Flood Control Zone #1 Advisory Board
Marin Audubon Society

Peter Maraccini
Mimi Maraccini
316 Laverne Ave.
Mill Valley, CA 94941

PB-3

AUGUST 11, 1992

MR TIM HADDAD,
MARIN COUNTY PLANNING DEPT.
3501 CIVIC CENTER DRIVE
ROOM 308, SAN RAFAEL, CA. 94903

DEAR MR. HADDAD:

I HAVE RESIDED IN MARIN COUNTY 39 YEARS AND HAVE SEEN A MAGNUM FORCE OF HOUSE PROLIFERATION. I LIVE IN HOME-STEAD VALLEY, COMPLETELY SURROUNDED BY COUNTY PLANNING BOARD PERMISSIONS FOR VARIATIONS OF THE LAW TO "ADD" ON A ROOM WHICH LATER TURNS OUT TO BE AN ADDITIONAL APARTMENT. RESULT: CROWDING OUR LIVING SPACE AND JAMMING OUR HIGHWAYS AND COUNTY AND OTHER ROADS.

CN | THEREFORE I AND MY WIFE ARE ACAINST DEVELOPMENT OF ALL KINDS PARTICULARLY A MAMMOTH ONE SUCH AS "BEL MARIN KEYS." WHY HA GOD CREATED MEN WHO LOOK AT A MEADOW OR A HILL AND SAY "HOW MANY UNITS CAN I BUILD ON IT?

PETER MARACCINI
316 LAVERNE, MILL VALLEY, CA. 94941

ATTACHMENT 16

PB 19

C.214

PB-4

MICHAEL D. ZATTO D.D.S.
A PROFESSIONAL CORPORATION

RECEIVED

August 11, 1992

Marin Planning Commission
Marin County Civic Center
San Rafael, Ca. 94903-4157

Dear Members,

A-2 | We endorse Policy CD-9.1 which rezones the underdeveloped portions of Bel Marin Keys to Agriculture & Conservation, AG3. We also feel that the housing density should be set at 10 acres per unit for a total of 160 homes on the 1600 acres. This density could minimize the environmental impact as well as the impact on traffic and public services. Under no circumstances should the zoning permit commercial development in this previously undeveloped parcel.

ALT-5 | Bay wetlands are being lost at an alarming rate. The Planning Commission should not miss this opportunity to protect and conserve the wetland/agriculture area in its present state. Development will destroy this resource. A development the size of 800-1190 units as planned by Venture Corporation is sure to spark a firestorm of controversy. In the light of recent slow/no growth sentiment in Marin and Sonoma Counties, (i.e. defeat of the Hamilton project, defeat of the light rail system and elections of slow/no growth candidates to the Novato City Council), a development of this size built in such a short timespan will just not fly with the voting public.

Thank You,
Michael Zatto
Susan Zatto
Michael and Susan Zatto
70 Dolphin Isle
Novato, Ca. 94949

153 Lynch Creek Way • Petaluma, California 94954 • 707-765-9630

ATTACHMENT 15

PB (9)

PB-5

Nancy Cabaud
149 Bahama Reef
Novato CA 94949

August 12,1992

Marin Planning Commission
Marin County Civic Center
San Rafael CA 94903

Dear Planning Commission,

C.215

I am a home owner in Bel Marin Keys and I am concerned about the Unit 5 Development. I understand that with the addition of a minimum of 900 new homes and possibly 1190 new homes, the waterways currently usable for water sports (water skiing and jet skiing) will still be the only ones usable. The impact on the current lagoons would be unacceptable to the people who live on these lagoons as well as the quality of water and waterlife in the lagoons. J-1 E-5

Please consider this impact on the environment and the current residents of Bel Marin Keys when you make you recommendations for Unit 5.

Thank you for taking the time to read my letter and hopefully you will understand my concerns regarding this issue.

Sincerely,

Nancy Cabaud

Nancy Cabaud

ATTACHMENT 14

PB-6

Dear Mr Riesenfeld

In response to your notice in regard to the Bel Marin Keep Unit 5, Master Plan/Rezoning Draft, I would like to state my opposition to this plan.

Being a resident of BMK, I do not desire more traffic (either purpose or water) or more residential density. I oppose the ferry because of the increased traffic it will cause on BMK Boulevard. The dames would be built too close to the air strip. Also, this project would destroy our wild life further and this is one of the most enjoyable aspects of BMK living. GEN-3 C-1 C-10 GEN-3 B-5

Sincerely

Norma Lukasiewicz
2 Bahama Reef
Novato CA 94949

ATTACHMENT 12

Janice L. Otis
152 Bahama Reef
Novato, CA 94949

PB-7

RECEIVED BY

August 15, 1992

Bel Marin Keys Community Services District
4 Montego Key
Novato, CA 94949

Re: Bel Marin Keys, Unit 5, Master Plan/Rezoning Draft

Dear Sir or Madam,

Although a Phase 3 homeowner since its inception in 1978, I recently moved into my home at 152 Bahama Reef in 1989. I love its beauty, its uniqueness, and its feeling of openness. I had planned to live here forever.

Over the years I have read the information available regarding Phase V. I vehemently oppose the entire project for the following reasons:

1. Phase V has designed no additional waterways for motorsports. The existing lagoons will have to support the influx of new boats, people, and children. I don't think that is possible.

J-1 J-2 Phase V will impact on my right to secure peace and quiet and safety. For example, the end of Sunset Lagoon (my lagoon) is the outlet to the Bay for most of Phase III and all of Phase IV. Daily, I see blatant inconsideration by boat owners for others both on land and sea. Regularly, there are violations of water safety rules, and the newly implemented "no wake" rules. Even now there is a high degree of disregard for the laws. Enforcement is minimal. The rules would be useless with the influx of more homes, more boats, and more people.

A-1 2. As the 1990 Final Environmental Assessments states the entire area is basically unsuitable for development. How can this be ignored? Leave the entire site in bayfront preservation and continue in agricultural use.

ALT-5 3. The ramifications of the undertaking of this massive project are enormous. For years, I will be forced to watch the destruction of beauty, wildlife, and vegetation. The noise and the dirt, dust, and wind will make my home inhabitable. My views and my tranquility will be lost forever.

Sincerely,

Janice L. Otis

cc: The Marin County Planning Department

C.216

PB 12

ATTACHMENT 11

August 17, 1992 PB-8

To: Marin Planning Commission
Marin County Civic Center
San Rafael, CA 94903

RECEIVED BY

MARIN COUNTY PLANNING DEPT.

From: Edward L. Adams
15 Dolphin Isle
Novato, CA 94949

Subject: Comments on BMK Unit 5 Draft EIR/EIS

ALT-3 The Draft EIR/EIS includes a reduced size alternative. This alternative should be analyzed in greater detail than was done for the Draft EIR/EIS. It is the superior alternative.

If development is permitted, it should be limited to not more than 160 homes.

Sincerely,

Edward L. Adams

PB 12

ATTACHMENT 9

August 17, 1992

Marin County Planning Commission
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

U. S. Army Corps of Engineers
Attn. Dr. Susan Ryan
211 Main Street, Room 802
San Francisco, CA 94105

Dear Sirs:

This letter is to comment on the proposed Bel Marin Keys, Unit 5, Master Plan/Rezoning project on which you will hold hearings on September 14, 1992. We have owned our residence in Unit 4 for five years. We love Bel Marin Keys and are concerned that the quality of life which we and our neighbors currently enjoy be maintained at least to a reasonable degree.

ALT-5 We don't object to the addition of Unit 5 per se, but do object to some aspects of it, as proposed. First, we believe that the number of new houses to be built is way too large. Second, the size of the new lagoons is way too small. And third, the plan inadequately addresses the increase in traffic to and from Bel Marin Keys by car and by boat.

The plan would increase the number of residences from 695 to 1,885.

J-1 Most people who live here have some form of boat which they use in the lagoons, whether it be a canoe or a trawler or a ski boat. We have a great deal of recreational boat traffic now. The proposed new lagoons are so small in size that most recreational boating by persons in the new houses will have to be done in the old lagoons, resulting in heavier traffic, noise, and water safety concerns in those water ways, far beyond what should reasonably be tolerated.

C-2 There is only one road which connects Bel Marin Keys Blvd. to the highways which border it on two sides. Many of the residents who predate Unit 4 are retired. The addition of Unit 4, with many two-person wage earners per home, significantly increased the amount of traffic in and out of the area, especially during commute hours. Presumably, the new homes would also have a large number of commuters and other members of the family who drive. Bel Marin Keys Blvd. by itself is insufficient and another road should be added if Unit 5 is approved, to be completed before the Unit 5 houses are built.

E-6 Likewise, access to and from the Bay by boat is solely by means of the Novato Creek. We are already concerned about the erosion to its banks from the present amount of

C.217

PB-9

J-1 traffic. The channel is also sufficiently narrow, particularly at low tide, that the amount of two way boat traffic on it that would result from the demands of Unit 5 could be hazardous as well as frustrating to all boaters in the area. There should be a second channel dredged into the area to connect Unit 5 to the Bay.

We hope that you will take these concerns into account when you make your decision.

Sincerely,

H. Robert and Cheryl Trout
19 Dolphin Isle
Novato, CA 94949

cc: Mr. and Mrs. Bob Farnham

8-18-92

PB-10

To the Marin County Planning Commission:

I have been a resident and homeowner in Bel Mar Keys for sixteen years and want you to know that I'm very displeased and discouraged by the Unit V Plan.

C.218 I've never before opposed development but know the current Unit V Plan does not provide for cohesive living. As you're aware, with increased population comes increased need and the developers of Unit V have not addressed this factor.

I-1 Firstly, our current recreational waterspace does not amply provide for the residents already living here. I know because I use to ski when it was safer. Also, as a result of Unit IV being developed a number of boating restrictions have been passed to resolve some of the safety and noise factors caused by increased numbers of people. Were Unit V developed without increasing recreational waterways for boaters and swimmers would need to schedule time in the water for safety purposes. Additionally,

G-3 do you have any idea how even an additional 500 boats would adversely effect noise levels?

PB-10

G-2 When Area IV opened many seniors invested in new homes and found their dream homes living Hell because of the torment of noise by recreational vehicles. This factor could not have been a consideration of the Unit V developers as they would have placed them in living quarters in a more accomodating area.

C-2 Thirdly, any layperson can predict the casualties in having one main access road to accomodate 1,000 more homes. In order to advert health, safety and everyday living trauma one would think that developers who cared about a community would have included additional access roads from Highway 39 and Highway 101.

If these developers care about anything other than lining their pockets they these factors need to be address in the Unit V plan. As a result, I urge you not to consider the Unit V Plan as it is today. Sure some residents support it but most likely live on the south side of Bel Marin Keys Blvd. and will not be negatively impacted.

Sincerely,
Chris Goodman, 13 Del Oro Lagoon
(415) 382-8801

PB-11

AUGUST 22 1992

MR. TIM HAGOOD - ENVIRONMENTAL COORDINATOR

SUBJECT: BEL MARIN KEYS EIR/EIS

DEAR MR HAGOOD,

C.219

I HAVE BEEN A RESIDENT OF MARIN FOR OVER 15 YEARS. I HAVE COME TO LOVE AND APPRECIATE THE DEDICATION OF THE PUBLIC OFFICIALS IN PROTECTING AND PRESERVING OUR ENVIRONMENT AND QUALITY OF LIFE. IT IS BECOMING VERY DISTRESSING WHEN EVERY YEAR A NEW THREAT TO OUR WAY OF LIFE AND PEACE OF MIND ARISES.

CN IT SEEMS THAT THIS YEAR IN BEL MARIN KEYS, THE VENTURE CORPORATION, AN APPROPRIATELY NAMED SPECULATOR IS TRYING TEAR DOWN OUR FABRIC OF LIFE. THIS SPECULATOR BOUGHT LAND THAT WAS NOT PRIME FOR DEVELOPMENT AND ENVIRONMENTALLY SENSITIVE KNOWING FULL WELL ITS LONG TERM PLAN WAS TO CIRCUMVENT AND REAP HUGE PROFITS AT THE REST OF OUR EXPENSES.

ALT-5 IT'S GOAL IS TO OVER DEVELOP AND BURDEN ONE OF THE FEW NATURALLY, AND ENVIRONMENTALLY SENSITIVE AREAS, WITH AN INADEQUATE PROJECT THAT TOTALLY IGNORES THE REALITIES OF TRAFFIC, SAFETY, MEDICAL AND THE GENERAL WELL BEING OF A PERFECTLY GOOD COMMUNITY. IT'S TOTALLY POSITIVE CONTRIBUTION IS ADDING A PROPOSED GOLF COURSE, AS IF THIS WERE PRACTICALLY LOCATED, IN THE MIDDLE OF A DROUGHT AND DWINDLING WATER SUPPLIES. IT OFFERS A FERRY SYSTEM THAT IS WHOLLY INADEQUATE AND UNACCESSABLE. IT OFFERS TO ENHANCE CURRENT BOATING (YACHT CLUB) FACILITIES AS IF RUINING OUR LIVES AND OUR ENVIRONMENT COULD BE SO EASILY BOUGHT AND PAID FOR.

A-1 I STRONGLY URGE THE COUNTY PLANNING COMMISSION TO ABIDE BY THE RECENTLY PREPARED ENVIRONMENTAL ASSESSMENT (EA) AND TELL THIS SPECULATOR, ONCE AND FOR ALL, TO LIVE WITHIN THE LIMITATIONS OF WHAT IS THE GOOD FOR THE MAJORITY ...

I IMPLORE YOU TO SAY NO!!!

RESPECTFULLY SUBMITTED

LLOYD P. PITTMAN

125 MONTEGO KEY

NOVATO, CA 94949

CC. SUP. B. BEVIS

ThePrudential
California Realty
695 DeLong Avenue
Suite 100
Novato, CA 94945
Bus. (415) 892-0881
Fax (415) 898-2263
Res. (415) 883-4105
Voice Mail 258-8319

LLOYD PITTMAN
Broker Associate
Residential Investments

PB-12

Marin County Planning Dept.
3501 Civic Center Drive
Room 319
San Rafael, Ca. 94903
Attn. Tim Haddad

Dear Mr. Haddad;

This letter is in reference to the Venture Corporation's Unit V development in Bel Marin Keys. I am opposed to the purposed plan as currently presented by the Venture Corp. Currently I see five problems with the plan that should concern the agencies involved with the EIR/EIS report.

C-2 **TRAFFIC:**
BMK homeowners share one entry and exit with the Hamilton Industrial Park. There is already a problem during peak hours. Cars back up to near 1/2 mile at times and can take as much as 25 minutes to get to freeway. This is not only an inconvenience but can by a hazard with emergency agencies.

C.220

J-1 **WATERSPORTS:**
"Water-Sports", not boating, require water ways that are not within a 5 MPH or a no wake zone. Presently there is just enough open water way to handle Unit III and IV. With 1160 new homes purposed the open watersports area would have to be 5 times larger than it is now. The current plan won't even double the size now currently being used.

E-1 **WATER POLLUTION:**
With the addition of 1160 new homes more water pollution is enviable. More pollution means more flushing. More flushing means more silt. More silt means more dredging.

E-3 Unit V lagoons are already being sacrificed by reverse flushing to try to save the Novato creek. Mr. Chaney said this would work but the last I heard the Army Corp. said nothing would work. I believe the Army Corp. so what happens to Units III, IV, and V? Lots of silt, no money to dredge, no spoil site!

D-1 **CONSTRUCTION:**
Construction of Unit IV caused me major inconvenience and minor damage to my house in Unit III. As the Army Corp. is well aware of, water pressure hold the lots in BMK in place. With out it our houses will drop any where from 10 to 20 feet verticality. This seems to be a known fact according to the UC Calif. geological staff. Major concern on my part is the safety of my home during the removal of the tenporary levy.

ALT-5 **DENSITY:**
1160 new homes is too much! 500 new homes seems like a much better plan to me if the project is to go ahead.

Phil Aubrey
16 year BMK homeowner
45 Del Oro Lagoon
Novato, Ca. 94949

ATTACHMENT 8

PB-13

RECEIVED BY
92 AUG 31 A 11:39

August 29.1992

Marin County Planning Commission
Civic Center. San Rafael, CA. 94903

Dear Commissioners:

My comments take exception to the alternatives listed in the Bel Marin Keys Unit V Draft Environmental Impact Report. Of critical concern is the mitigated alternative. which is considered the environmentally superior alternative: "Water-oriented recreation would be restricted and the private boating marina would be eliminated. The management of the lagoon would restrict power boats use and BMKS lagoon would be restricted to shallow draft boats. These restrictions are intended to minimize or avoid adverse water quality impacts."

Unit V is a proposal to expand a boating community not a request to put a lake in a city park for peddle boats. In a meeting with the Bel Marin Keys Community and Venture Corporation on August 26th those present demanded the expansion of the navigational water area so that power and sail boats could operate safely.

ALT-4 Just because no Bay Area agency has been able to control Oil
J-1 Company pollution, and Marin County has been unable to eliminate leaking disasters in Richardson Bay is no reason to hold responsible boaters hostage for alleged future pollution. As I stated in my letter of July 16th, residents of Bel Marin Keys are committed to expansion of fish and bird habitat and one of the best ways to do this is to expand navigational water. The main course in last Sunday's dinner at the Henrich house was the stripped bass that my son caught off our dock. For the first time in a few years it did not taste oily. I certainly hope that this is an indication that Bay water quality is improving.

Again I plead don't approve a development that eliminates the valuable resource of a navigable water community.

Sincerely.

Robert R. Henrich
29 Calypso Shores
Bel Marin Keys, CA. 94949

ATTACHMENT 4

August 29,1992

Mark J. Riesenfeld, AICP
Marin County Planning Department
Civic Center Drive
San Rafael,CA. 94903

Dear Mr. Riesenfeld:

My comments take exception to the alternatives listed in the Bel Marin Keys Unit V Draft Environmental Impact Report. Of critical concern is the mitigated alternative, which is considered the environmentally superior alternative: "Water-oriented recreation would be restricted and the private boating marina would be eliminated. The management of the lagoon would restrict power boats use and BMK5 lagoon would be restricted to shallow draft boats. These restrictions are intended to minimize or avoid adverse water quality impacts."

Unit V is a proposal to expand a boating community not a request to put a lake in a city park for peddle boats. In a meeting with the Bel Marin Keys Community and Venture Corporation on August 26th those present demanded the expansion of the navigational water area so that power and sail boats could operate safely.

ALT-4
J-1

Just because no Bay Area agency has been able to control Oil Company pollution, and Marin County has been unable to eliminate leaking disasters in Richardson Bay is no reason to hold responsible boaters hostage for alleged future pollution. As I stated in my letter of July 16th, residents of Bel Marin Keys are committed to expansion of fish and bird habitat and one of the best ways to do this is to expand navigational water. The main course in last Sunday's dinner at the Henrich house was the stripped bass that my son caught off our dock. For the first time in a few years it did not taste oily. I certainly hope that this is an indication that Bay water quality is improving.

Again I plead don't approve a development that eliminates the valuable resource of a navigable water community.

Sincerely,

Robert R. Henrich
22 Calypso Shores
Bel Marin Keys, CA. 94949

C.221

DAVID L. CHITTENDEN, M.D.
A MEDICAL CORPORATION
ORTHOPAEDIC SURGERY

490 POST STREET, SUITE 1440
SAN FRANCISCO, CA 94102

TELEPHONE
(415) 433-5284

RECEIVED BY

September 1, 1992

Marin County Planning Department
Attn: Tim Haddad
3501 Civic Center Drive
San Rafael, CA 94903

Re: Environmental Impact Report
Bell Marin Keys Unit 5

Dear Mr. Haddad:

I recently have learned of a massive expansion of Bell Marin Keys.

P-3 I do not believe that this project is well planned nor is it well thought out. Additionally, it is my opinion that the development of this project is unhealthy and that every other community is going to want to build on "diked baylands."

D-2 Additionally, are you really certain that the proposed construction will be earthquake safe? Building projects on filled land have a very unhealthy
B-5 propensity to shift/settle more during earthquakes. The alteration of the wildlife habitat is unacceptable. Additionally, this project will further
C-6 impact the already over crowded Highway 101 corridor.

Sincerely yours,

David L. Chittenden, M.D.

DLC:mr

cc: Sierra Club
National Resources Defense Council
Friends of the Earth
Marin Independent Journal
Mill Valley Record
Marin Watch
City of San Rafael
City of Ignacio
City of Novato
Marin County Board of Supervisors

PB (22)

PB-16

Glen Alherigi
21 Bahama Reef
Bel Marin Keys
Novato, CA 94949

September 3, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Draft EIR for Proposed Unit 5--Bel Marin Keys, Novato, California

Dear Mr. Haddad,

I am a homeowner and resident of Bel Marin Keys and I am very concerned about the harm that would be caused by the proposed Unit 5 project. This project as proposed is too large for this area. It would create significant adverse environmental impacts as pointed out in the Environmental Assessment.

ALT-5

CUM-1 The proposed project would triple the size of the community and would change its present residential character, through the addition of a shopping center, commercial golf course/tennis complex, restaurant, social center, and school. The cumulative impacts would be tremendous, given the projects at Vintage Oaks, Hamilton Field, and Renaissance Estates.

C-8
C-9
C-2 One of the key issues is traffic. I strongly urge that there be a more in depth study of the effects of increasing the traffic so dramatically in this area. At present we have only one two-lane road into Bel Marin Keys; this road cannot handle an increase in traffic. It must be mandatory for a second access road to be provided through Hamilton Air Force Base should there be any development of the subject property. And this road would need to be operational before construction could begin.

ALT-3 I believe the EIR should do a detailed study of the Reduced Size Alternative (RSA) of 160 homes. This was not examined thoroughly in the Draft EIR and this case would certainly be more environmentally acceptable than the Mitigated Alternative (MA).

Thank you for your assistance.

Sincerely,

Glen Alherigi

cc: Bel Marin Keys CSD

C.222

PB-17

Merry Alherigi
21 Bahama Reef
Bel Marin Keys
Novato, CA. 94949

September 3, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Draft EIR for Proposed Unit 5

Dear Mr. Haddad,

As a homeowner and resident of Bel Marin Keys, I am writing with my concerns about the proposed Unit 5 project.

ALT-5 This project as proposed is too large for this area. It will have a detrimental effect on the wildlife and on the quality of life of the present Bel Marin Keys residents.

C-2 One of the key issues is traffic. I strongly urge that there be a more in depth study of the effects of increasing the traffic so dramatically in this area. We have traffic problems now. The proposed access road to Highway 37 is needed to alleviate the already congested business park, but this would give no relief to the two-lane stretch of Bel Marin Keys Boulevard leading to the entrance of Bel Marin Keys.

C-2 Most Bel Marin Keys residents are adamant that if any building is allowed on the property then an access road through Hamilton Air Force Base must be in place and operational before any work begins. The present two-lane Bel Marin Keys Boulevard cannot absorb the increased traffic nor can the roadway handle the increased wear and tear.

I am enclosing one of the neighborhood newsletters my husband and I helped produce. There have been several flyers distributed by concerned homeowners who want to be sure we have the full story and not just the sales pitch from Venture Corp. The proposed Unit 5 poses a serious threat to our community and, now that residents have the facts, you will be hearing from many more of us.

Thank you for your assistance.

Sincerely,

Merry Alherigi

enc.

cc: Bel Marin Keys CSD

C.223

PB-17

Bel Marin Keys Neighborhood Newsletter

August 29, 1992

Dear Neighbor,

This is our second newsletter on the proposed Unit V project; our goal is to present the facts about the issues that will affect us most. Venture Corp. and the Locks and Keys have not told us everything we need to know to make an informed decision about this mammoth project.

On August 26, Venture Corp. held a meeting at the BMK Yacht Club. There were many questions left unanswered and many other answers that were unacceptable.

Among the many unanswered questions were those about issues we will experience only in the long term. The long term is critical, however, because that will be the true test of this project's success. We must be sure to look ahead not just five years, but fifteen years.

We must be diligent or some years from now we will be asking ourselves how we let beautiful Bel Marin Keys be destroyed right before our eyes. We are fighting for an irreplaceable life and we must do everything we can to ensure its future viability.

A few Key Questions and Answers from the Venture Corp. Meeting

C-2 *Q. Will there be an access road through Hamilton to the proposed Unit V?*

A. In all probability, No.

C-10 *Q. So, this would mean that all cars going to and from the proposed Unit V development would travel on the present two-lane Bel Marin Keys Boulevard?*

A. Yes. In addition, so would all the cars going to and from the school, the yacht club, the social center, the golf course, the restaurant, and the shops.

Q. What does it mean when Venture Corp. says the yacht club and golf course would be available to Bel Marin Keys residents?

A. It means that Bel Marin Keys residents would be able to purchase memberships. Comment: The golf course would be semi-private; anyone in Marin—members and nonmembers—would be able to come play. There is a shortage of golf courses in Marin, so Unit V would attract many nonresidents into the BMK community. Your life would be affected whether you play golf or not.

Q. How much would the golf course memberships cost?

A. No definite answer, however, the sum of $25,000.00 was used as an example because that is the cost of joining the Marin Country Club in Novato. It was suggested that new homeowners could build this fee into their mortgages and current residents could borrow on their mortgages to pay their membership fees.

Q. So, Bel Marin Keys residents would not be getting a yacht club as we were led to believe?

A That is correct.

Q. Who would own the golf course, the yacht club, and the commercial center?

A Venture Corp., and they could sell any time they wanted to whomever they wished.

The more we learn about the project the more concerned we become. Bel Marin Keys residents have nothing to gain and everything to lose. We must examine every issue carefully because, as Venture Corp. admitted, they will not be here in the long term.

It seems to us that we are all putting the cart before the horse—or the skier before the boat. We are discussing earth berms and ferry schedules before we have agreed that the project should be built.

Venture Corp. has put forth some carefully crafted answers for our concerns. Venture Corp. can mitigate all they want but they cannot change the bottom line. Venture Corp.'s "stock answer" to our concern that 1200 homes is too many is that Unit V would be "less dense," by their computations, than the present BMK; their computations include lagoons, open space, and public areas. The issue is not density, however, it is how 1200 additional homes would affect the lives of those who live in the existing 600+ homes.

Adding 1200 homes with the boats, the cars, the traffic, and the crime that would come with them is unacceptable. It would destroy our neighborhood. Our sanctuary would cease to exist—replaced by a world according to Venture Corp.

We scared Venture Corp. at the meeting on Monday, August 17. They realized we are not pushovers they can snow with pretty pictures and promises. We may not have had all the information in the past, but we do now. And we will make our decisions based on the complete story.

Venture Corp. wants to build more homes than allowed under current zoning regulations; they are trying to squeeze every last dollar out of the land with no regard for how all these mitigated factors will affect us, the current residents of Bel Marin Keys.

We are all trying to make a living, so Venture Corp.'s wanting to profit by this venture is not bad in itself. What is so distasteful is that they want to make that money with the knowledge that it will cost someone else dearly—that someone else is us. This we will fight against, we promise you.

We urge you to write to the Marin County Planning Commission and Army Corps of Engineers, and to send copies of all letters to the CSD.

Please support the position that the proposed Unit V development is unacceptable!!

Merry and Glen Alherigi, 21 Bahama Reef Marge and Peter Roome, 29 Bahama Reef

C.224

Rose Alherigi
1130 Bel Marin Keys Blvd.
Bel Marin Keys
Novato, CA 94949

September 3, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Draft EIR for Proposed Unit 5

Dear Mr. Haddad,

As a homeowner and resident of Bel Marin Keys, I am writing with my concerns about the proposed *Unit 5* project.

C-2 Traffic: Bel Marin Keys Boulevard is the only access road for the present Bel Marin Keys Community. It is only two lanes once it passes through the business park. It cannot accommodate an increase in traffic, especially not the dramatic increase that would come should the proposed Unit 5 project be approved. It is mandatory that a second access road through Hamilton Air Force Base be in operation before any construction is allowed on the subject property.

C-13 Furthermore, there needs to be a restriction so that the emergency bridge *loading to Bel Marin* Keys Boulevard, across the Unit 3 lock, can never be replaced by a permanent bridge. If this were to happen it would turn Bel Marin Keys Boulevard into a freeway which would be extremely unsafe for the families whose homes line the boulevard.

J-1 Water Safety: Increasing the number of boats on the Bel Marin Keys lagoons as the Unit 5 project proposes would create an unsafe condition on the waterways. I request that this issue be reviewed very carefully before any project is approved.

ALT-5 This project as proposed is too large for this area. It will have a detrimental effect on the wildlife and on the quality of life of the present Bel Marin Keys residents.

Thank you for your assistance.

Sincerely,

Rose Alherigi

cc: Bel Marin Keys CSD

PB 28

PB-19

September 3, 1992

RECEIVED

Mr Tim Hadden
Environmental Coordinator
Marin County Planning Department
3501 Civic Center drive, Room 308
San Rafael, CA 94903

RE: UNIT V
BEL MARIN KEYS

Dear Mr Hadden:

As twenty plus year residents of Bel Marin Keys, my wife and I wish to go on record as fully supporting the development of UNIT V, as proposed by Venture Corporation.

ALT-1 ALT-3 We do oppose, however, any reduction of the proposed 463 acres of lagoons or any restriction on the use of power boats. We also oppose the elimination of the Marina as suggested in the EIR.

We firmly believe, after 20 years of living in Bel Marin Keys that the overall benefits from the development of Unit V as proposed far outweigh any minor disadvantages.

We urge approval of the project.

Very truly yours,

John & Jane Christman
1096 Bel Marin Keys
Novato, CA 94949

C.225

PB-20

September 3, 1992

RECEIVED BY
1992 OCT 27 P 2:48
MARIN COUNTY
PLANNING DEPT.

Mr Tim Hadden
Environmental Coordinator
Marin County Planning Department
3501 Civic Center drive, Room 308
San Rafael, CA 94903

RE: UNIT V
BEL MARIN KEYS

Dear Mr Hadden:

I wrote you on September 3rd expressing my full support for the proposed development of Bel Marin Keys, Unit 5; I see now that the public review and comment period has been extended. I again wish to express our full support for Unit 5 as proposed and would hope that my views would be included as a matter of record in the public hearing on the DEIR/DEIS to be held on November 2nd. As stated earlier:

As twenty plus year residents of Bel Marin Keys, my wife and I wish to go on record as fully supporting the development of UNIT V, as proposed by Venture Corporation.

ALT-1 ALT-3 We do oppose, however, any reduction of the proposed 463 acres of lagoons or any restriction on the use of power boats. We also oppose the elimination of the Marina as suggested in the EIR.

We firmly believe, after 20 years of living in Bel Marin Keys that the overall benefits from the development of Unit V as proposed far outweigh any minor disadvantages.

We urge approval of the project.

Very truly yours,

John & Jane Christman
1096 Bel Marin Keys
Novato, CA 94949

ATTACHMENT 2.

WERNER S. LEWIN, JR.
ATTORNEY AT LAW
55 CAVALLA CAY
NOVATO, CALIFORNIA 94949
(415) 883-8220

PB-21

September 4, 1992

Tim Haddad
Environmental Coordiantor
Marin County Planning Dept.
3501 Civic Center Drive, #308
San Rafael, CA. 94903-4157

Re: Bel Marin Keys Unit V

C.226

Dear Mr. Haddad:

This letter is written to register my opposition to the proposed size and scope of the above-referenced project.

I have been a resident of Bel Marin Keys since October 1988 when I purchased my home in the Unit IV section of said community. I moved to Bel Marin Keys principally for it's unique, secluded environment which, needless to say, I am beginning to fear is significantly jeopardized by a project the size and scope of that proposed.

ALT-5 I am not now nor have I ever been opposed to limited development of the area in question. Although I have been monitoring the review process of the proposed project since I moved to Bel Marin Keys, I have only recently become more knowledgeable about that which is proposed and the impact of same on the community I have grown very much attached to.

It is understandable why the County zoned the subject area to accommodate no more than 800 units. It is just as understandable why the interested developer wants to build as many as 1,190 units.

C-2 Obviously, the construction of any new units would mandate the necessity of an access road through Hamilton. As you are no doubt
ALT-5 aware, traffic along Bel Marin Keys Blvd., is already heavy, particularly, during the morning and afternoon rush hours. Another growing concern of mine is the effect that any development might have on my privacy, particularly, by way of increased use of our Lagoon system by new homeowners, their guests and outsiders.

PB-21

ALT-5 I hope and trust that you will take my concerns into consideration in limiting the scope and extent of any development of the site located south of Bel Marin Keys.

Thank you.

Very truly,

Werner S. Lewin, Jr.

WSL:ls

cc. Bel Marin Keys CSD

PB-22

10 Dolphin Isle
Novato, CA 94949
RECEIVED BY September 5, 1992
A 11:03

Marin County Planning Department
Attention: Mr. Tim Haddad
3501 Civic Center Drive, Rm. 308
San Rafael, CA 94303

U.S. Army Corps of Engineers
Attention: Ms. Susan Ryan
San Francisco Branch
211 Main St.
San Francisco, CA 94105

Dear Mr. Haddad and Ms. Ryan:

C.227

ALT-5 As residents of Bel Marin Keys, we have reviewed the draft EIR/EIS and would like to make the following observations and recommendations. We believe that the Unit 5 project for Bel Marin Keys would generate too many significant and undesirable environmental impacts, not only to the natural and man-made features of the area, both to the people of Marin County, and in particular, to the residents of Bel Marin Keys. It is apparent from the review of the EIR/EIS that the nature and extent of these impacts are related directly to the scope and scale of the project.

CUM-1 The Proposed Project would not only nearly triple the size of our community, but it would change its present character (totally residential) through the addition of a shopping center, marina, and a commercial golf course/tennis complex. The cumulative impacts may be tremendous, given the projects at Vintage Oaks, Hamilton Field, and Renaissance Estates.

C-2 Regardless of the size, any project for Unit 5 presents a serious problem in terms of access to the site. We strongly believe that a second access road is mandatory prior to any development project. All parties, developer and residents, agree on the urgent need for better transportation. Only one access road is already an existing problem, both for ease of movement, and especially for safety in the event of a disaster. Imagine, the increase in traffic during construction, and then later, a combination of new residents from phase 1, and more construction for phase 2. Unfortunately, the potential for a second connecting road, from the Unit 5 connector through Hamilton Field reviewed in the EIR/EIS, is frustrated by divergent interests, having jurisdictions outside the project site. Although the County has no jurisdiction in building the subject road, we request that the County require that this access road be in operation prior to the start of construction for any project that is approved.

J-6 The project as proposed has three major flaws. The first of these is the perimeter road, with its long stretches of lagoons not protected by homes. The second objection is with the design of the lagoons and the 18 finger streets. The lagoons would be expanded from 273 acres today to over 745 acres. Yet, with that increase, the new ski area is very limited and would greatly impose on our existing community.

J-1 The EIR/EIS suggests some vague restrictions in the new lagoons to minimize this problem; but the EIR/EIS notes that these restrictions will impact the existing lagoons. Unit 5 residents should have their water fun in their own backyards. The best approach is for the proposed development to have its own, separate lagoons, as is already the situation between the developments on the north and south sides of Bel Marin Keys Boulevard.

A-2 Lastly, the proposed project would require radical and permanent change to the existing environment. Since the area is within the BCZ it should still have significant agriculture. The wetland and habitat areas should not be greatly modified; yet 11,900,000 cubic yards of earth would be disturbed. The large wildlife habitat proposed has merit, but is created at the expense of hundreds of acres of existing open space in the form of historic diked farm and marshlands. This impact cannot be fully mitigated as noted in the EIR/EIS. There must be a balanced consideration for land, wildlife, air purity, and water quality.

ALT-3 ALT-5 All the alternatives that include development, except the Reduced Size Alternative, have serious environmental and size issues. The Reduced Size Alternative, however, with only 160 homes and a small 64 acre lagoon, might be too spartan for the developer to make a reasonable profit and still provide the community the desired amenities.

Clearly this is a complex project and many permutations of alternatives should be considered. We believe, however, that too many "large" alternatives were considered in the EIR:

One alternative at 1600 dwelling units
Four alternatives at 1190 dwelling units.
One alternative at 900 dwelling units.
One alternative at 805 dwelling units.
One alternative at 160 dwelling units.

We suggest that another alternative, the Balanced Alternative, be evaluated in detail in the final EIR/EIS. This alternative would have far fewer dwelling units than the Mitigated Alternative. It could have a modest increase over the Reduced Alternative if its environmental impacts are only slightly greater than those of that alternative, and if

offset by the community amenities it would provide. The lagoons would be separated from those in Units 3-4, just as those north and south of BMK are separate. This enhances water safety and security. There would be no commercial shopping and no commercial golf/tennis facility. Development would be within 325 acres or less. The remaining acreage would remain as flood plain in its present state and use. This area would then satisfy the regulations outlined in Chapter 22.95 for the F-2 Secondary Floodway District. Please note that widening of Novato Creek or the use of lagoons for flood control would not be required in this case.

ALT-3

It is strongly recommended that the alternative include free (community owned) amenities. This would include a community center for all residents, the Men's and Women's clubs, and the Yacht club. It would include a teenage center and (free) recreational facilities. It would include tennis courts, basketball hoops, a place to skate board, a softball field, a football field, swing sets, sand boxes and more.

CN

If BMK grows much beyond a size of 1000-1200 homes, it can no longer be the unique community it is today. Can the CSD form of government support the community, either fiscally or operationally, if it becomes too large? We will need police officers, social workers, and routine city services. This is a major concern of ours.

C.228

Sincerely yours,

David & Elaine Sowers

David & Elaine Sowers

cc:
Ms. Brady Bevis, Marin County Supervisor
Mr. Mark Riesenfeld, Director Marin County Planning

Mrs. Douglas Johnson
60 West Shore Road
Belvedere, California 94920

RECEIVED

September 6, 1992

Mr. Tim Haddad
Marin County Planning Dept.
3501 Civic Center Drive
San Rafael, California 94903

Dear Mr. Haddad:

I want to register my disapproval of three enormous projects which have recently filed EIRS and which propose changes to current zoning and land use provisions in Marin County. These are *Bel Marin Keys Unit 5, the Buck Center for* Research in Aging, and the expansion of Lucas Film Skywalker facilities.

These three projects I believe will lead to total desecration of three beautiful areas, despite the token open space set-asides for each project, and will put a severe strain on water supplies, traffic and municipal services. The taxes which these projects may generate for Marin County will never compensate for such degradation of formerly agricultural lands.

CUM-1
ALT-5

I urge you to deny these applications in favor of much less damaging uses of open space.

Very truly yours,

Katherine D. Johnson

PB-24

RECEIVED BY

September 8, 1992

Ms. Beverly A. Laverty
1917 Vista Creek Drive
Roseville, CA 95661

Mr. Tim Hadden
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Re: Bel Marin Keys
Proposed Unit V Development

C.229

Dear Mr. Hadden:

We have owned 80 Bahama Reef since 1977 and have seen several of these 'proposed developments' come and go. Each time we have felt they would add to the value of our community.

CN First of all, we support all of the amenities proposed by Venture Corporation. The addition of a hotel, a golf course, boat dock/marina, etc., will greatly enhance our property values!

J-1 The most important issue, however, is the size of the lagoons proposed. It is imperative the additional lagoon be at least 463 acres! Otherwise, all the people drawn to this new development, i.e., new home owners, won't be able to use the new lagoon, and will use mine, thus overcrowding my lagoon. You cannot decrease the size of this new lagoon. And a new large lagoon will give added space for more wildlife to inhabit, i.e., birds, fish, ducks, etc.

CN We are renting our home in Bel Marin Keys for the time being, but have every intention of coming back when we retire. We especially love to golf, and this would be a dream come true, to be able to retire in our own home with a golf course nearby. We also want a marina where our friends can enjoy the social activities inherent in a water community.

C-2 Having lived in Bel Marin Keys for over 10 years, we all knew that we desperately needed another road in/out of Bel Marin Keys, as evidenced by the floods in the '70s, when we were not able to get out for five days when the one road was flooded and underwater.

Please count our vote for this proposed development. There isn't one reason I can see for not going ahead with it in it's entirety. And thank you for your consideration of my thoughts.

Thank you again for your help.

Sincerely,

Beverly A. Laverty

BAL:bp

PB-25

RECEIVED BY
[illegible] AM 8:25

September 9, 1992

Mr. Tim Haddad
Marin County Planning Department
3501 Civic Center Drive
Room 308
San Rafael, CA 94903

Re: Unit V Project, Bel Marin Keys

Dear Mr. Haddad:

This letter is to express my concern and disapproval of the proposed Unit V by Venture Corporation in Bel Marin Keys.

The proposed development of 1200 homes, golf course and commercial center with a lack of access roads and recreational waterways can only have a detrimental impact on our community.

C-2 Not only Bel Marin Keys residents but all who lived outside the community and used the golf course and frequented the stores and restaurants in the commercial center would have to travel on the present two-lane Bel Marin Keys Blvd. This would generate traffic in unacceptable levels.

J-1 Our present recreational waterway areas are crowded now and the use of additional boaters, skiers, jet-skiers and wind-surfers on these limited areas would be an invitation to disaster.

Venture Corporation's Unit V as proposed is detrimental and unacceptable to the quality of life in our community.

Sincerely,

Joan D. Johnston

Joan D. Johnston
1048 Bel Marin Keys Blvd.
Novato, CA 94949

C.230

PB
(1-25)

William "Bill" Soule
156 Montego Key
Bel Marin Keys
Novato, CA 94949-5352

PB-26

September 9, 1992

TO:

Mr. Tim Haddad ✓
Marin County Planning Department
3501 Civic Center Dr.
San Rafael, CA 94903

Dr. Susan Ryan
U.S. Army Corps of Engineers, San Francisco District
211 Main St.
San Francisco, CA 94105

Supervisor Brady Bevis
Marin County Civic Center
San Rafael, CA 94903

C.231

RE: BEL-MARIN KEYS UNIT V EIR/EIS

I enclose my opinions and comments regarding proposed Unit V of the Bel-Marin Keys Subdivision.

I am in favor of this addition for the reasons stated therein.

Please take my comments into account in reviewing both the EIR and EIS

Thank you.

William "Bill" Soule

William "Bill" Soule

PB-26

September 9, 1992

BEL-MARIN KEYS

UNIT FIVE EIR/EIS

I AM IN FAVOR OF UNIT V BECAUSE:

While I am quite satisfied with Bel-Marin Keys as currently constituted; WE HAVE THE FOLLOWING IMPORTANT PROBLEMS:

C-2 | 1. In case of disaster such as fire or earthquake, there is only one vehicular exit--a two lane road built on fill.

C-10 | 2. Due to ever-increasing commercial operations in Hamilton Industrial Park and accompanying greater traffic, it is practically impossible to get to or from U.S.101 during rush hours.

C-13 | 3. Because of the above, emergency vehicles often take an inordinately long time to reach emergencies in Bel-Marin Keys.

C-4 | 4. There is no public transportation. This lack is especially felt by below-driver-age children, older people who either are intimidated by driving, not physically of mentally able to do so, or us oldsters who fear losing their licenses.

N-4 | 5. The nearest adequate shopping center is at least three miles away.

N-2 | 6. LACKING ANY COMMERCIAL BUSINESS, THE CSD TAX BASE IS LOW.

E-3 | 7. Additional dredging is already needed and the need will continue to increase as time goes on. This dredging will require spoils disposition not now approved by the various regulatory agencies.

UNIT V WOULD HELP ALLEVIATE THESE SERIOUS PROBLEMS:

A. According to the present plan, existing roads would be improved and a new exit road constructed to Highway 37; it is probable that a road will also connect Unit V with Hamilton Field.

CN | B. An internal public transportation system would include present Bel-Marin Keys areas.

C. A high-speed ferry system is called for.

D. A limited shopping center, clubhouse and recreational facilities are included. These would be available to us by the internal transport system.

C-4 E. The additional population will undoubtedly bring public bus service to all parts of BMK--as it has to Hamilton Industrial Park.

N-2 F. ADDITION OF UNIT V WILL INCREASE THE TAX BASE OF THE CSD MORE THAN ENOUGH TO OFFSET ADDITIONAL CSD COSTS. THIS IS EXTREMELY IMPORTANT. INCREASINGLY THE STATE IS CUTTING DOWN ON FUNDS AVAILABLE TO LOCAL GOVERNMENTS. ESPECIALLY TO SPECIAL COMMUNITY SERVICE DISTRICTS SUCH AS THE BMK CSD.

E-3 B-4 G. UNIT V WILL PROVIDE US WITH APPROVED SPOILS DISPOSAL AREA FOR MANY, MANY YEARS. THIS WILL NOT ONLY SAVE THE COST AND TIME OF DISPOSING OF SPOILS BUT WILL ALSO MAKE CERTAIN THAT WE WILL BE ABLE TO SECURE ADDITIONAL DISPOSAL SITES AT ALL.

To me, these considerations offset the objections propounded by those who just wish we could continue to live in our little cocoon despite the real problems facing the community.

William "Bill" Soule

William "Bill" Soule
156 Montego Key
Bel-Marin Keys
Novato, CA 94949

C232

RECEIVED BY

Robert A. Farnham and Lisa T. Farnham
11 Dolphin Isle
Bel Marin Keys, CA 94949-5391

September 10,1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Subject: Draft EIR/EIS (DEIR/S) for Bel Marin Keys Unit 5

Dear Mr. Haddad:

We have extensive comments pertaining to the subject document and I have organized them in what I believe to be a logical sequence.

C.233

SPECIAL POLICY CONSIDERATIONS

The following Regulations and Policy issues must be addressed in the EIR/S. Underlining for emphasis has been added in the following statements for clarity.

1.Bayfront Conservation Zone Policies

A-1 Page 2-41 of the present Countywide Plan addresses Protection of Bayfront Lands. The Early Environmental Section outlines the need for completing an Environmental Assessment (EA) prior to preparation of master plans and developmental plans. (This requirement is also stated in Policy C-1.9.) It also states "The assessment would serve as a portion of the Environmental Impact Report on the project".

A-1 PD-4 A discussion of the project sponsors noncompliance with the above policies is very relevant to this project. If he had complied by waiting for the EA to be completed prior to preparing his plans and objectives, he would have known the present Bayfront Conservation Zoning (which occured before he purchased the property) would not permit him "To fulfill the hopes and expectations of the original Bel Marin Keys residents__." This objective is not a feasible objective. One cannot expect to accomplish objectives which are in conflict with county policies. The EIR/S must address this conflict.

To comply with the above policies the EIR/S must also include the EA as "a portion of the EIR" or at the very least include the findings and constraints contained in the EA. Why the DEIR/S ignored the conclusion that the Unit 5 property should not be developed, except for the hill area, must also be discussed.

A-2 The DEIR/S addresses Policy C-1.4 on page 4.29. However compliance with the entire policy is not analyzed. Public benefits shall include "public access and recreational opportunities"

PB-27

A-2 clearly means that if recreational opportunities are to be allowed, they must be public to be a public benefit. In addition the public benefit of the recreational oportunities "must exceed the environmental costs and liabilities" of creating them. Clearly this policy excludes developing lagoons either for the private use of BMK residents, or most likely even for the public. It should be made clear that this policy does not apply to BMK Units 1-4 which were permitted prior to this policy.

It is very clear that this project should have been denied after the completion of the EA, this would have saved time and money for both the county and the project sponsor.

2. Project is the First Test of Bayfront Conservation Zoning.

A-2 The impact on the environment and growth inducement related to allowing development on this site must be addressed in the context of future development of other sites in the Bayfront Conservation Zone since this is the first test of that zoning.

3. Flood Control Policies

Chapter 22.95, F-2 Secondary Floodway District, Section 22.95.030 Restrictions, need to be addressed in the EIR/S. The ultimate channel is to be constructed "through the parcel to be developed" which is not the case for the parallel channel proposed; and it is to be constructed "downstream to the mouth of the primary floodway", which is not the case for the lagoon flow through proposal. Alternate methods of providing flood control facilities which are, " equal in capacity, may be permitted, but methods conflicting with policy or regulations are not permitted.

A-2 E-2 County BFC Zone Flood Control Policy B-7.6 prohibits use of county owned floodplain to permit development of private property, therefore, excluding the parallel channel alternative. The DEIR/S on page 4.27 sidesteps the main issue. It adresses the mitigation for flood hazard but does not address the use of county lands which is Class I for mitigation.

Policy B-7.4 states that flood control measures should retain natural features and conditions as much as possible. The EIR/S should discuss this policy in the various alternatives. The Open Space/Agriculture and Reduced Size Alternatives could be designed to completely satisfy the objectives of the policy.

IMPROPER ISSUE INCLUDED IN DEIR/S

E-2 The flood control alternative involving the widening of Novato Creek (parallel channel) should not be included in the DEIR/S. This alternative was not included in the Master Plan Application, nor was it included in the documents available to the public for review at the time of the NOP hearings.

Relevant to the above is a statement beginning with the last sentence on page 5.155: "However, since this concept (a third

PB-27

proposal) was not included in the initial application and hence (emphasis added) was not approved by the County, only the lagoon flow-through system and the Novato Creek channel widening flood control alternative are analyzed". The same restriction should have been applied to the Novato Creek widening alternative and it should have been excluded.

E-2

Please remove all reference to this flood control alternative from the EIR/EIS, or hold new NOP scoping sessions, to comply with the law and avoid potential litigation involving the County on this issue. Further comments on this alternative are included herein in case the project applicant submits a new application.

E-2 The flood control methods under consideration must be evaluated for suitability for the hundred year tide (7' NGVD) with normal creek flow, in addition to the hundred year flood with an appropriate tide. The hundred year tide analysis has not been done.

C.234

SUPERIOR MITIGATED ALTERNATIVES

In view of the statements above regarding the invalidity of the Project objectives, why was an alternative almost equal to the Proposed Project chosen as the Mitigated Alternative when there are so many unmitigated impacts?

Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The DEIR/S found the site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after it was zoned Bayfront Conservation. The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss. Correct the table.

ALT-3 The only other alternative with no unmitigated impacts is the Reduced Size Alternative with 160 homes. It was found superior to the Status Quo Alternative with 805 homes and a social center. Why was this alternative not evaluated further? The fiscal analysis for this alternative incorrectly assumes a new fire station would be required even though the new homes would be closer to the existing fire station than many homes in Units 1-4. The net fiscal impact should be recalculated without the new firehouse, it will then show a gain. This alternative can have even less environmental impact if the developed area is slightly reduced and the remaining property is used as floodplain. (See *second unnumbered comment on page 8*)

TRANSPORTATION

C-8 The *traffic studies* that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all use BMK Blvd. to Hyw. 101 without gridlock. When and how will

C-2 McInnis Parkway be built.

C-2 Also, to permit development, a second access road through Hamilton is necessary to relieve BMK Blvd. and to provide for emergency in case BMK Blvd is unusable (toxic spill, or earthquake or accident at the bridge at Pacheco Pond, etc.).

INCOMPLETE RESPONSE TO COMMENTS

Our letter of July 24, 1991, is attached. The second paragraph states: "In addition to the issues addressed in Environmental Science Associates (ESA) accepted Revised Proposal of May, 1991, the EIR/EIS should address the following issues:". Therefore, all issues in the ESA Proposal are open for comment in the review of the DEIR/S.

This section lists items that were not completely addressed in the DEIR/S, including items from the ESA Proposal and the comments submitted in response to the NOP.

ESA Proposal Items Not Completely Covered in the DEIR/S.

A-4 1. Page (Pg) 8, Paragraph (P), 1, last sentence: "The EIR/EIS will contain a complete listing of responsible and interested agencies and a summary of their authority relevant to this project." This listing and summary need to be added to the EIR/S for reasons stated in the proposal.

PD-1 2. Pg 15, P 2, A summary of the "review of completed and partially completed environmental studies and documentation" needs to be added.

ALT-1 3. Pg 15, Alternatives: "The summary and comparison of project alternatives __ in tabular and graphics formats that will convey the differences and similarities of each alternative." needs to be added. Figures showing project layout for each alternative must be included.

B-7 4. Pg 22, Tasks include a minimum of four surveys for sensitive plants in all project related areas and three surveys during March-May for salt marsh yellowthroat and tricolored blackbird. The results of these surveys are needed to satisfy the EIR/S.

B-3 5. Pg 24, Tasks at top of page include "Recommend additional mitigations which may be necessary to offset impacts (of) Hwy 37 and Hamilton AFB road connections". This is needed.

E-1 E-5 6. Pg 25, Tasks at bottom of page include sampling and analysing sediment samples, four from existing lagoons and two from Novato Creek. These are needed.

D-1 7. Pg 29, "Determine Construction Impacts", this analysis is needed.

C-13 8. Pg. 30, 2nd bullet, Parking analysis is needed. 3rd bullet, Review of site plan for adequacy___,Emergency access, etc., all need to be addressed.

PB-27

C.235

Incomplete Response to Comments Submitted by Forsburg R.A. & L.T.

The DEIR/S did not completely address some of our written comments and some comments were not addressed at all. In addition to our letter of July 24, 1991, which included comments from our letter of January 28, 1991, I am attaching our letter of February 2, 1991. Pertinent paragraphs have been numbered. This will help to clarify the following comments. Reference to these letters will be by date/page/paragraph number.

ALT-4, E-2 | There is no response to the comments in our February 2, 1991 letter or the Alternatives section on page 1 of our July 24, 1991 letter. The Reduced Alternative may be close to what was proposed. However, the area developed would need to be reduced to 327.5 acres in order for the remaining area to satisfy the F-2 zoning for flood plain. No creek widening or use of lagoons would then be necessary. (See penultimate paragraph on page 4.5 of DEIR/S.) The location of the area developed needs to be specified. Evaluation of this alternative is needed. After the Open Space/Agriculture Alternative, it would be the second best mitigated alternative.

There was an inadequate response to the following numbered comments in the DEIR/S:

E-2 | 105. If flood water is routed through the lagoons, or through a new channel, the flood water velocity in the creek will be less and consequently less scouring of the creek bottom. What is the effect on dredge frequency for navigation and the fiscal impact? This is not covered in 5.E. Evaluate.

B-4, B-5 | 106. Same scenario as above, what is effect on ecosystem?

E-1, E-2 | 107. Sedimentation in the lagoons would occur if flood water is routed through. What effect on dredge frequency and fiscal impact? Not covered in 5.E. Evaluate.

E-2 | 109-110. Computer model not evaluated in 5.E. If no validating data is available, use model on the Ultimate Channel to prove equivalence. Evaluate.

E-2 | 113. See 7-24/3/5&6. Construction of parallel channel, if equivalent to ultimate channel, will free up land for development. Response to comment 113 is needed in Impact Overview.

E-1, E-4 | 114. Collection and treatment of runoff water from public parking lots and any other contaminated water, is not addressed. It must not flow into the lagoons. Evaluate.

E-8 | 116. Migration of newly created lagoon water into Landfill 26 treatment plant is not covered in 5.E. Evaluate.

A-5, N-4 | 118. Section 5.a does not address this comment. Evaluate.

A-1, O-2 | 120. Page C-1 of the Addendum to the Final EA states "only 284 units outside of San Rafael's sphere of influence" are needed in the unincorporated county area. This is not discussed in Sect. 5.

O-1 | 122-125. Not discussed in Section 5. Why is inflation rate conservative? Interest rates, inflation rate, and housing value appreciation are all interdependant. Evaluate housing program with appreciation rate equal to inflation rate.

O-1 | 126. Comment is quite specific. The example uses maximum qualified income to buy the average home. Who can qualify to buy the above average cost home?

O-1 | 127- Not discussed. Evaluate.

O-1 | 128. Consequences of questionable housing program for seniors is within scope of EIR/S. Evaluate.

O-1 | 129. See Policy C-3 on page 4.35 of DEIR/S. The disregard for this policy must be addressed.

O-1 | 130-132. Not discussed. Evaluate.

J-1 | 135. 5.J does not address water safety at all. It must be included.

J-1 | 136-137. There is no data presented on the possible hazardous material present in the construction dust or its affect on construction workers and residents. Evaluate.

B-4 | 138. Odors and algae formation in the proposed wet areas are not addressed. Evaluate.

E-2 | 143. Suggest you contact R. Repair concerning Flood Control Advisory Board. If lagoons are used for flood control, they would fall within that board's juristiction. Evaluate.

C-5 | 146. DEIR/S states basis for estimating traffic. It does not justify basis as being representative. Evaluate.

C-10, C-13 | 147-148. Not addressed in Section 5. See also No.8 in EEA Proposal section.

M-2 | 149. Why was a soils evaluation beyond the scope of the EIR/S? Agricultural lands are of prime concern in the EIR/S, several policies address their importance and preservation. Evaluate the maximum agricultural potential.

150. Section 5.M does not address the potential to increase agricultural production at Unit 5 site by using readily available reclaimed water. Evaluate.

GEN-2 | I do not find any of the oral comments made by the BMKCSD Board at the NOP hearing. Are they included in the DEIR/S?

PB-27

C.236

COMMENTS ON THE TEXT OF THE DEIR/S

C-13 | Page S.2, Transportation Component: The existing retractable bridge over the existing lock will need replacement to satisfy response time. Impact Class II. Include in appropriate tables and Mitigation Program. Specify who pays.

A-2, O-1 | Page S.3, Housing: All affordable and moderate income housing, except the senior housing, is clustered in segregated peninsulas. Address county policy C-3, which does not permit such segregation, and include in Summary.

E-2 | Page S.4 Paragraph 1 (P1): Managed Shorebird Habitat not finished until phase 3. What about flood control using lagoons and shorebird habitat during phases 1 and 2?

ALT-3 | Page S.4, Alternatives: The flood control method/s used for each alternative and each phase must be specified.

ALT-3 | How many phases will the Alternatives other than the Project have, especially the Mitigated Alternative? What are they? Construction schedule? etc.?

P-3 | Page S.9, Impact Overveiw, A. Growth Inducement: The growth inducement associated with the precident of allowing such development in the BFC Zone must be included. (See item 2, Special Policy Considerations on page 2 of this letter.)

COR | Page S.10, 2nd Bullet: Loss of endangered species habitat must be included.

G-4 | Page S.12, Noise is insignificant impact? It might be for one year, but for nine years of construction? "There oughta be a law." How about just plain nuisance?

COR | Page S.14, Bullet 8: This Significant Effect (loss of ag land) should also appear in D. Irreversible and Irretrievable Commitment of Resources.

MIT-1 | Page S.15, F. Effects Found Not Significant: These effects include impacts which have been mitigated. There should be a separate section for Class II Impacts and a discussion of the necessary EIRs, project limitations, and possible impasses for completing the mitigation required for each. For instance, will the McInnis Parkway to BME Blvd., or San Rafael, ever be built?

COR | Page S.66, Impact No.K.5: This Impact is Class I if HAFB is in operation.

CN | Page S.71, Impacts M.1 & M.2: If development rights are purchased the mitigation ratio should be 60/1 since less than one acre of land will be developed under A-60 Zoning. Class 1 after mitigation is correct since agricultural land is not created, it is only banked.

COR, A-2 | Page 1.7 Chapter 4: The text of this section is not as described. There is no tabular format for easy evaluation and no cross referencing of inconsistencies, only mitigations.

COR, J-1 | Page 2.15, Figure 2. A-8. The 200' Buffer Zone is not shown for the existing property. The actual waterski area is much smaller than shown. The Secondary Skiing Zone will not be completed before Phase III. Evaluate these effects.

A-2 | Page 4.7, Subdivision History: The effect on the project of withdrawing part of the property by the West Family must be evaluated in the EIR/S. Can the project be built as planned?

ALT-1, ALT-3 | Chapter 3. Alternative Analysis: A drawing showing the area developed for each Alternative is required to show that the alternative is possible with the constraints given. The flood control method/s must also be specified.

COR | Page 3.39, Table 3.B-1 should have the same identifing numbers on the Impacts as the text and the Summary. The Policy numbers should also appear.

Ditto: Impact A-5, Class I portion is not on the table.
Impact D-1, Class 1 portion is not on the table.
Impact A-7, Class 1 portion is not on the table.

A-1, A-2 | Chapter 4. Consistency with Applicable Plans and Policies: The Final EA on page viii of the Executive Summary under "Plans and Policies" states: This Bayfront stretch is one of 28 areas in the City-Centered Corridor that the (Marin Countywide) Plan specifically recommends preserving for open space. This should be included in the EIR/S.

A-1, A-2 | Ditto: The Final EA on Page 71 lists two more policies, B-1 and B-7, which are relevant to the site. Evaluate these policies.

B-4, E-6 | Chapter 5.B, Current flushing procedures are not adequate to flush the creek. After Unit 5 the flushing velocities will be increased substantially to provide better flushing. The effect on Novato Creek ecosystem, including increased turbidity, must be addressed. Impact B.15 dicusses construction, not operation.

B-4 | Ditto, Mitigation Measure B.3, Consultant should provide documentation showing that these restrictive techniques work.

B-3 | Ditto, Mitigation Measure B.4: Any nearby replacement of wetlands will result in destruction of agricultural lands, that can not be considered mitigation. Therefore Class I.

ALT-2 | Ditto; Impact B.5: The project is not water dependent since BFC Zoning does not permit private lagoons and community does not want public lagoons, therefore the Corps should deny the permit.

B-4, B-6 | Ditto, Mitigation Measure B.11: The land - area between the

PB-27

B-4
B-6
existing lock and the new lock will become an Island for animals. This will result in loss of habitat long term and will require mitigation for endangered species. Class I.

C-10
PD-1
Chapter 5.C, Transportation: Exactly where will the collector road join BMK Blvd? The Master Plan shows West of Headquarters Hill but the West Family will get this land back before Unit 5 is developed. Where will the road go?

C-5
COR
The traffic studies and nomenclature are very confusing with respect to intersections. The ramp for Northbound traffic at BMK Blvd and 101 is not an Ignacio Blvd/ NB 101 ramp, it is a BMK Blvd/NB 101 ramp. I assume that Ignacio Blvd. ends at the center of the freeway if not before. I also assume that the traffic referred to is not Eastbound Ignacio Blvd. traffic turning N at the BMK Blvd/NB 101 ramp. Please make the necessary corrections for clarity.

C.237

C-5
The traffic studies do not specify the occupancy level in the Industrial Park at the time of the traffic counts. This information is vital since the occupancy currently is very low.

C-2
Ditto: Comparing traffic entering BMK Blvd from Hamilton Drive on Figure 5.C-14 with Figure 5.C-17, there does not seem to be any traffic using the Hamilton Extention. Provide traffic rates for the new roads added in each case. There must be traffic coming in from Hiway 37 in the AM and leaving in the PM.

C-13
Ditto: Any new lanes in the Industrial Park will reduce parking. This has not been addressed.

C-13
Ditto: The perimeter road will not be complete before Phase III. What about emergency access to Unit 5 east from BMK Blvd? Why is this not covered by the analysis of each Phase under Public Safety?

E-7
Chapter 5.E, Hydrology: Are Storm Drain Permits included in permitting requirements section?

D-1
E-2
Ditto: page 5.153: FEMA has set above 7'NGVD as safe elevation. At what elevation are the lowest homes on Novato Creek and on the Unit 2 and 3 lagoons.

COR
E-2
Ditto: Btm. of page: Statement regarding approval of Ultimate Channel is incorect. Ultimate Channel is approved by Policy.

COR
Ditto,Page 5.155: What is the proper reference number for creek widening? It is not 10.

COR
Ditto, page 5.156, P3: Statement regarding FCD fical responsibility should be added to Mitigation and Fiscal Analysis.

E-2
Ditto, P4: Novato Creek widening also has mechanical devices, see Appendix G. What depth of creek is needed to handle flood along with the channel, or the lagoon alternative? What is the basis for saying no more than the present creek dredging frequency for flood control would be needed in the channel case? When was the last time the creek was dredged for flood control? I do not believe it ever has been. The creek will silt up faster with the channel or lagoons due to less velocity during floods. Evaluate frequency and add cost to Fiscal Analysis.

E-2
N-1

E-2
E-6
B-3
The fish that will enter the channel over the bay weir will probably not survive in the channel for lack of oxygen due to low water. Increasing water level requires a deeper channel. Address these impacts.

E-2
E-6
Ditto, P at bottom: How have BMK Units 1-4 contributed to sedimentation in Novato Creek in the past? Has creek flushing deposited more silt than it removed? What does Krone say?

E-1
E-2
Ditto, page 5.157, P2: With whom in the CSD is the Project Sponsor working to determine dredge freqency? What expert is the CSD consulting? There is no reference given.

E-2
N-1
Ditto, page 5.159, Impact E.4 This impact must take into account the much larger volume of water that will be entering the lagoons to maintain water quality and improve flushing up to limit of bank erosion of the creek. The silt deposit at the culverts will be much greater than at present. Mitigation Measure E.3 gives the silt removal responsibility to BMKCSD. The cost must be included in the Fiscal Analysis. A subjective comment will not suffice.

COR
E-3
Ditto,page 5.157,P2, Penultimate sentence: What does "require waste discharge requirements" mean? Would dredge sediment disposal be permitted on a repeated, long term basis at the planned site? If so, under what conditions?

E-7
Ditto,Drainage: Appendix G does not cover drainage impacts. Drainage of the agricultural land enters the drainage ditches and provides moisture for vegetation habitat, not for fish. The water draining from the parking lots in Unit 5 will not be fit for fish. This section needs rewriting with proposed mitigation.

E-4
How will water in the watertraps on the gulf course be treated for accumulation of salts and chemicals. The soil will be impermeable due to compaction but evaporation will take place. Needs mitigation.

E-2
Ditto:page 5.165, Mitigation Measure E.3: The outer levy would need to meet flood control standards for the lagoon-flow-through system, as well as the perimeter road. Add to mitigation.

COR
GEN-1
Volume Two, Appendix B, Mitgation Monitoring and Reporting Program: There should be a table listing all the Impacts, by number only, and whether they are Class I, II, or III, and the Mitigation Measure Designation if there is any. This will provide a cross check for omissions.

C.238

D-3 Ditto, Mitigation Measures and Monitoring, Page B.18, Impact E.1: Include the need for a full Engineering Study to address unresolved issues listed in the Table Impact column, as well as on page 5.158, and in Appendix G. Estimate operat'ng costs and include in Fiscal Impact. Timing: Before PDP.

E-1 E-2 E-5 N-1 Ditto, page B.19, Impact E-2: Complete Engineering study needed to establish operation for both the 100 year flood and the 100 year tide, dredging frequencies for channel, creek and lagoons; water quality in channel and creek due to circulation from channel, as well as an EIR. Provide operating costs for Fiscal Analysis. Timing: Before PDP.

E-4 Ditto, page B.22, Impact E-7: Address water in water traps for reasons already discussed.

G-4 Ditto, page 28, Impact G-1: The major noise problem will be during construction. Noise control on each type of equipment is fine but the combined Noise level is what we hear. Install sound measuring and recording machines at the end of each existing street nearest the project. Establish maximum permissable level. Timing: Include requirement in PDP.

J-5 Ditto, page 29, Impact J.2: not consistent with J.4.

COR C-2 Ditto, page 30, Mitigation (M) E.6: Which access road is the emergency access road? The access road that provides a second emergency entrance to BMK will be the Road through Hamilton. The Highway 37 connector is necessary for access from the highways, but the road through Hamilton provides the BMK community access. Change mitigation to specify second access through Hamilton also. Impact is Class II for Hiway 37 but Class I for Hamilton road. Timing: specify prior to construction for the Hamilton road since the construction equipment could wipe out the bridge on BMK Blvd at Pacheco Pond.

COR Ditto, page B-31, M-E.6: Add second bridge over existing lock to mitigation.

MIT-1 Ditto, M- E.7: Who pays for tank? Specify Project Sponsor.

MIT-1 Ditto, M- E.11: Will The Board of Supervisors not be involved?

That is all. Thank you for the opportunity to comment.

Sincerley yours,

R A Farnham

Robert A. Farnham

cc: Dr. Susan Ryan
Supervisor Bevis

September 10 1992

Marin County Planning Dep't.
3501 Civic Center Dr. Room 308
San Rafael, Ca. 94903

Subject: EIR/EIS for Bel Marin Keys Unit V

Dear Members,

I would like to take this opportunity to bring to your attention several instances of this EIR that I feel are not properly addressed and need your attention to protect the residents of Bel Marin Keys.

A-1 Firstly, I find it hard to understand why this process is being allowed to take up the precious time and resources of the county in lieu of the current EA (Enviromental Assessment) which recommends only limited development of these lands. Specifically it calls for a small area where no more than 160 homes could be constructed. This EA is very detailed as to the sensitivity of this area environmentally as well as the undo strain it would put on the city and county resources for public safety and infrastructure.

C-10 Additionally the EIR does not take into account the apparant need for any traffic mitgation in the Bel Marin Keys community. There are no plans as how a single lane road will magically be able to have an intersection where the addition of a road will add nearly 1200 homes, a commercial office and a retail complex, a marina and a golf course. It is not physically possible for the present roads as they are limited as to width to safely accomodate the traffic even in a project of a much smaller size.

C-2 J-9 Safety is a critical issue, and this project is not safe. The Novato Fire Protection District will not begin to contemplate a new station unless there are addtional access roads to the community. Specifically they mention access through enviromentally sensitive areas that are also critcal as part of the Flood Control District. It is beyond comprehension that anyone in control of their faculties would propose such a project without apparant regard for the safety of the community.

I strongly urge the Planning Commission to look into these major concerns and deny this project as ill conceived with too great a negative impact to the community, the enviroment and the county as a whole.

Respectfully Submitted,

Lloyd Pittman

Lloyd Pittman
125 Montego Key
Bel Marin Keys Ca. 94949

PB-29

September 10, 1992

Subject: Proposed Unit Five Bel Marin Keys

We here in Bel Marin Keys are getting a lot of inflated stories about this proposed Unit Five and a lot of promises, many not in writing, about how wonderful it will be for we the current residents.

C.239

I am not impressed with their planning nor their promises. The original plans for Bel Marin Keys called for a Yacht Club, Golf Course, Shopping Center and many more wonderful things - non of which came to be after the development got approved. I am thankful that we did not get the shopping center, it was placed just 2½ miles from us to the west on Ignacio Blvd. The proposed shopping area in Unit five would take equally as long, driving wise from my home and not ac-- complish a thing. Shopping centers are hurting here in Marin, we do not need another one. The proposed Yacht Club would not belong to the people but to private enterprise. The roadways would be severly hampered (only one road Bel Marin Keys Blvd) as an exit for emergencys, exiting commute traffic from two industrial parks (Bel Marin Keys and Hamilton). The land area in total 1600 acres, would only allow less than 500 acres for all of their lagoons. That would be a very small VENICE. No boating activities such as Ski, water Jet or competitive Sailing. All boating activities would have to be done in the original lagoon since we goofed in Unit Four by not allowing enough water area and fewer homes. It currently takes 45 minutes for me to operate my boat from my home to the end of Unit Four. Can you imagine the unrest from unit five residents trying to go visit neighbors???

ALT-5

We could say many more things which are wrong such as privacy, security, crime problems etc.

Attached is a letter dated May 10, 1991 by a former tenant of that 1600 acre parcel and his comments towards Marin County economy and wetlands. This gentleman was the then president of American Farmland Trust, Washington, D.C..

Respectfully,

Anthony & Geneva Ricci
88 Montego Key
Novato, Ca.

cys: Brady Bevis, supervisor
Marin County Planning
Army Corp of Engineers
BMK CSD, Marin Ag Trust

PB-29

American Farmland Trust 1920 N Street, NW Suite 400 Washington DC 20036

May 10, 1991

Gail Wilhelm
21 Hayes Street
Novato, CA 94947

Dear Gail,

Per your inquiry on behalf of the Sierra Club Marin Group recently, I am writing to express my thoughts regarding the productivity of the 1600 acres of land located between Hamilton Air Force Base and the community of Bel Marin Keys.

As you may know, our family farmed that land during the 1970's for a period of about five years. Prior to that period, oat hay had been grown on the land for many years and, during two periods in the mid-70's, experimental crops irrigated with waste water from the North Marin Sanitary District were grown there. Our family was growing a forage mix consisting primarily of oats and vetch as a cattle feed to make into silage. The silage was used to replace alfalfa imported from farmers in the Central Valley and Nevada.

Our experience with this property was that it is highly productive land which responds well to cultural practices designed to improve productivity. Our yields were excellent and the quality of the product produced was as good as any silage produced in the North Bay Area. However, I believe that production of oat hay is one of the least valuable uses of this property from an agricultural standpoint. It certainly has the capability to raise to much more valuable crops. The tenant/landowner relationships on this property though have prohibited such investments necessary to upgrad the farm. If this land were committed to agriculture for the long term, then a farmer would be in a position to make the capital investments necessary to increase productivity substantially. At the time that we were farming this land, my brother looked into the possible production of alternate crops such as lettuce seed and found that this could be a highly profitable crop which would far surpass the income that could be derived from oat hay or silage. The land is capable of much higher levels of productivity but until the cloud of impermanence over the property is removed it is unlikely that any farmer will make the investments necessary to make maximum use of this land.

M-2

I feel very strongly that any evaluation of the agricultural value of the land should be based on its potential and not on its recent historical use for the reasons stated above. For more than 20 years the land has been in the hands of speculators/developers who have only been willing to give the tenant short term leases while they were preparing there development plans. That kind of tenancy precludes the proper management of the property for maximum agricultural productivity.

PB-29

As you know, there is very little land of this quality left in the Bay Area and particularly in Marin County. It is a large parcel that has been farmed for decades and could contribute enormously to the agricultural economy and directly to food production in the Bay Area if given the opportunity. The loss of this property, while not disastrous to the dairy industry, will have a continuing impact on the cattle industry in the North Bay Area because even though the hay currently produced there is being sold primarily to horse breeders and beef cattlemen, it is still a contribution to the total feed supply in the area which the dairies must compete for.

M-2 cont'd

Please feel free to contact me if you have any additional questions.

Sincerely yours,

Ralph E. Grossi
President

REG/esb
cc: Bob Berner, Marin Agricultural Land Trust

C.240

Tim Haddad
Marin Planning Dept.,
San Rafael, Ca.

727 Monte Vista,
Larkspur, California
94939

PB-30

Sept. 10, 1992

Dear Sir:

Concerning the Environmental Impact Reports proposal for (1) Bell Marin Keys, (2) Buck Center for Research in Aging, and (3) Lucas Film/ILM all three propose changes in current zoning and land use. I will mention here briefly certain facts that I have read and that I feel need deep consideration to protect the character of Marin. There are —

ALT-5 (1) Bell Marin Keys Unit 5 – traffic and circulation impacts, decrease in biological resources, impacts on the bay front habitat, and a set precedent (for other diked agricultural baylands).

(2) The Buck Center for Research in Aging – traffic, landslide and seismic damage, hazardous materials, conflict with County ridge and upland greenbelt designation, and visual impacts.

(3) Lucas Film/ILM – inconsistency with County land use policy, traffic, reservoir construction and creek treatment, and also grading.

Our County of Marin is without question one of the most beautiful of all Counties; and as a long-time homeowner here I feel greatly that new projects should certainly respect our environment, and all future impacts on this land be strongly designed to make minimum impact and respect environmental values.

Sincerely,

Carla Rivers

PB
(3)

HENRY M. JAMES
1170 Bel Marin Keys Blvd.
Novato, CA 94949
(415) 883-6731

September 11, 1992

Mark J. Riesenfeld
Director, Marin County Planning Commission
Tim Haddad, Enviornmental Coordinator
Marin Civic Center, Third Floor
San Rafael, CA 94903

Re: Unit V Development In Bel Marin Keys

Dear Mr. Riesenfeld and Mr. Haddad:

It is apparent that promises are the backbone of the proposal for the development of Unit V. Promises dependent upon the performance of governmental agencies and others whose activities are beyond the control of the developers.

C.241

PROMISE

The developers promise to ease or eliminate traffic problems on Bel Marin Keys by extending Hamilton Drive north to Highways 101 and 37.

REALITY

This promise is based on the ability of the State of California to provide necessary funds and to arrange and complete the necessary connecting road work, ramps, exits, entrances, cloverleaf's, etc.

C-2 Another agency that must be factored in is Cal-Trans. Would its needs be satisfied? How and to what expense?, and who would bear that expense?

The most important question in the equation however is, would the proposed promise actually eliminate or ease the traffic burden that will be superimposed on Bel Marin Keys Blvd. by the development?

The answer is a resounding no. There is no solution provided for heavy traffic that Unit V would place upon the two lane section of Bel Marin Keys Blvd. that leads to the perimeter road which is the primary and only access to Unit V.

The number of vehicles would be increased two to three times the present rate simply by the number of homes alone. This problem would be further affected by traffic created by visitors to the commercial area, the golf course, the school and the yacht

PB-31

club!

PROMISE

The developers promise to provide a safe area for all Bel Marin Keys residents.

J-6

REALITY

All of the proposals of the developers seem to fall short of the objective. The objective is to prevent interlopers from using the open areas for illegal activities such as camping, night partying in the area, etc. We have yet to hear a substantial proposal to adequately solve this problem. Finally can this be accomplished without some private enterprise policing the area?

PROMISE

The developers promise to provide water transportation to various points such as Larkspur Landing and San Francisco.

C-1

REALITY

This is clearly dependent upon persons or agencies beyond the control of the developers. This is an economic venture dependent upon factors too numerous to comment upon.

PROMISE

The developers promise to provide a station for rail transportation to points north and south.

REALITY

C-3 The rail transportation would be subject to the approval of many governmental agencies, and would require substantial re-arrangement of the present track equipment, not to mention the right of way problems. Suffice to say that this is a pie-in-the-sky promise dependent upon too many independent intervening factors, all of which are costly and not within the control of the developers.

PROMISE

C-4 The developers promise to provide a shuttle bus system of transportation for the residents of Bel Marin Keys.

REALITY

C-4 Is this to become a county function, a Cal-Trans function, or a private enterprise? Where is the money going to come from to provide this service and for how long will this service be available?

PROMISE

The developers promise to build a yacht club for Bel Marin Keys.

REALITY

CN The yacht club is actually in the control of the developers and does not belong to the residents. The club and other properties, i.e. the golf course, can be sold by the developers to anyone they wish and to persons not subject to the approval by the Bel Marin Keys residents. This could and would have an adverse effect upon all owners of property in Bel Marin Keys. It could create serious problems, down the road, not only of a financial nature, but also of an infringement on the life style. There would also be the possibility of expensive lawsuits.

PROMISE

The developers promise that the development would provide *sufficient tax monies to service* itself and have a $300,000 surplus for the benefit of the existing Bel Marin Keys services facilities.

REALITY

N-2 Facts and figures of an economic nature must be produced to substantiate this. Would the developers be willing to back this promise up by providing a bond or some similar guarantee?

In view of all of the negatives and unknowns regarding the proposed project it is my considered opinion that our unique community would be best served by the denial of the request for the proposed development of Unit V.

C.242

PB-31

Mark J. Riesenfeld
Director, Marin County Planning Dept.
Tim Haddad, Enviornmental Coordinator
September 11, 1992

I thank you for your attention to this matter and I ask that you contact me for any further discussion.

Sincerely yours,

HENRY A. JAMES

cc Susan Ryan, Army Corps of Engineers
cc Anne Crowder, Bel Marin Keys, CSD Manager

C.243

September 11 1992

Marin County Planning Commission
2501 Civic Center Drive Room 308
San Rafael, Ca. 94903

Subject: EIR/EIS for Bel Marin Keys Unit V

Dear Members,

I would like to take this opportunity to bring to the attention some of the mis-conceptions being presented by the developers of this proposed project.

They represent that one of the benefits of this oversized project is the construction of 300 (approx.) affordable homes. This magic word of affordable is strictly misleading and illusionary. This land has too high of a development cost to ever be considered affordable. The rightful purpose of affordable housing is to allow people to own homes on limited budgets without excessive cash deposits. Is it *really conceivable to* to believe that affordable housing interests best be served in an isolated location, without public transportation on waterfront land without proper safety and public infrastructure? Obviously not!! O-1
But taking the argument one step further. Assuming one could make a ridiculous case is it even remotely *affordable*? The proposed affordable market rate housing is to be priced at aprroximately $250,000. That means our buyer must have about $60,000 in cash for a 20% downpayment plus traditional closing costs.. Our affordable housing would carry a monthly mortgage payment of about $1350, plus $250 for property taxes, plus $150 for homeowner dues, plus $35 for insurance. This comes to about $1785. per month. As you can see this affordable issue has one beneficiary, the developer.

To present any argument that ignores an Environmental Assessment, based on over-riding benefits to the community such as affordable housing is simply a way for this developer to attempt to find a A-1
loophole. His project is not only detrimental to the environment but subjects the entire community to future negative impacts that other communities have found unsound and unsafe. I implore you to put an end to this proposed development and force this developer to live within the same rules as we set up to protect us as a society.

Respectfully Submitted,

Lloyd Pittman
125 Montego Key
Novato, Ca. 94949

Bel Marin Keys, CA 94949

September 11, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room ~~319~~ 308
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county. A-1

The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area should be developed. There are too many environmental impacts which can not be mitigated.

Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect. The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss. Correct the table. ALT-3 M-2 COR

The only other alternative with no unmitigated impacts is the Reduced Size Alternative with 160 homes. Why was this alternative not evaluated further? The fiscal analysis for this alternative incorrectly assumes a new fire station would be required even though the new homes would be closer to the existing fire station than many homes in Units 1-4. The net fiscal impact should be recalculated without the new firehouse, it will then show a gain. ALT-3

The traffic studies that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all use BMK Blvd. to Hyw. 101 without gridlock. Also, an access road through Hamilton, prior to construction, for relief on BMK Blvd. and emergency use is a must. C-8 C-2

Sincerely yours,

125 Montego Key
Novato Ca 94949
cc: Supervisor Bevis

PB-34

MR. TIM HADDEN
ENVIRONMENTAL COORDINATER
MARIN COUNTY PLANNING DEPT.
3501 CIVIC CENTER DR., ROOM 308
SAN RAFAEL, CAL. 94903

9/11/92

DEAR MR. HADDEN,

I LIVE AT 18 DOLPHIN ISLE, IN BEL MARIN KEYS. I ALSO HAVE OTHER INVESTMENTS IN BEL MARIN KEYS.

I AM ENCLOSING A COPY OF THE NEWS LETTER THAT I MAILED TO MOST BEL MARIN HOMEOWNERS EARLIER THIS MONTH.

I WANT TO GO ON RECORD AS SUPPORTING UNIT 5 AS PROPOSED.

PLEASE READ MY NEWS LETTER. I BELIEVE THAT I HAVE BROUGHT UP SOME IMPORTANT FACTS ABOUT THE WILDLIFE IN BEL MARIN KEYS, AS WELL AS A NUMBER OF OTHER VALID POINTS.

VERY TRULY YOURS,

CURT PROAPS

C.244

RE/MAX
523 fourth street, suite 200
san rafael, california 94901

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ATTACHME

PB-34

SEPTEMBER, 1992

BEL MARIN KEYS REAL ESTATE UPDATE

BY- CURT PROAPS

YOUR 2.5% REALTOR

ALWAYS YOUR NEIGHBORHOOD EXPERT - 18 DOLPHIN ISLE
BEL MARIN KEYS 883-5622 OR SAN RAFAEL 258-1509

RE/MAX LISTINGS:

263 MONTEGO KEY 4BR, 2BA, PRIMO, EQUITY SHARE $310,000
80 MONTEGO KEY, 4BR, 2BA, DOCK, LARGE LOT ***SOLD 4% ER
113 CARIBE ISLE, 3BR, 2BA, DOCK, UPDATED ***SOLD 4% ER
32 CARIBE ISLE, 4BR, 3BA, DOCK, SPA ***** PENDING 2.5% ER
179 DEL ORO LAGOON 3BR, 3BA, WATER ON 2 SIDES! $439,000

UNIT V, A REALTOR/ HOMEOWNERS VIEW:

MANY OF US RECENTLY ATTENDED THE MONDAY NIGHT MEETING AT OUR CLUB HOUSE, REGARDING THE UNIT V ENVIRONMENTAL IMPACT REPORT.

THERE WERE LOTS OF LEGITIMATE CONCERNS RAISED ABOUT A VARIETY OF ITEMS IN THAT REPORT. AS A REALTOR, AND A HOMEOWNER, I FEEL THAT IT IS MY DUTY TO COMMENT ON THE PROPOSED DEVELOPMENT.

PERSONALLY, I WOULD LIKE TO GO ON RECORD AS SUPPORTING UNIT V FOR THE FOLLOWING REASONS:

PROPERTY VALUES- AS A BEL MARIN KEYS HOMEOWNER FOR 9 YEARS, I GENUINELY LOVE OUR COMMUNITY. BESIDES MY OWN HOME, I ALSO HAVE INVESTMENTS IN OTHER BEL MARIN KEYS REAL ESTATE.

AS A REALTOR, I HAVE REPRESENTED BUYERS OR SELLERS OF BEL MARIN KEYS HOMES TOTALING ABOUT 13 MILLION DOLLARS. AS YOU CAN SEE, I HAVE QUITE A LARGE STAKE IN OUR COMMUNITY. I WOULD CERTAINLY RESIST ANYTHING THAT I FELT WOULD JEOPARDIZE OUR PROPERTY VALUES, AS WELL AS OUR QUALITY OF LIFE.

CN THERE WERE SOME CONCERNS EXPRESSED, AT THE MEETING, ABOUT A POSSIBLE DECREASE IN PROPERTY VALUES DUE TO UNIT V. IN FACT, SEVERAL BEL MARIN KEYS HOMEOWNERS HAVE CALLED TO ASKED MY OPINION ABOUT THE INPACT UNIT V MAY HAVE ON THE FUTURE VALUE OF THEIR HOMES. MY BEST GUESS IS THAT IF UNIT V IS BUILT AS PROPOSED, OUR PROPERTY VALUES COULD

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CN | INCREASE AS MUCH AS 25%, OR EVEN MORE. IN OTHER WORDS, IF MY ASSUMPTIONS ARE CORRECT, THE AVERAGE BEL MARIN KEYS HOME MAY BE WORTH A MINIMUM OF $100,000 MORE WHEN THE DEVELOPMENT IS COMPLETED. THAT COULD MAKE A BIG DIFFERANCE, SHOULD YOU CHOOSE TO SELL YOUR HOME, WHEN YOU RETIRE.

PLEASE FEEL FREE TO PRESENT OTHER REAL ESTATE PROFESSIONALS, THAT ARE KNOWLEDGEABLE ABOUT BEL MARIN KEYS, WITH THE FACTS ABOUT UNIT V. I BELIEVE THAT MOST OF THEM WILL CONCUR WITH MY OPINION.

CN | ADDITIONAL LAGOONS- BEL MARIN KEYS IS UNIQUE. THE ADDITION OF 463 ACRES OF LAGOONS, AS PROPOSED BY VENTURE CORPORATION, SHOULD ONLY ENHANCE OUR LIFESTYLE. WATCH OUT!!!, THE ENVIRONMENTAL IMPACT REPORT RECOMMENDS CUTTING THE ADDITIONAL LAGOON ACREAGE FROM 463 TO AS FEW AS 62 ACRES. ONE PORTION OF THE REPORT ALSO RECOMENDS THE ELIMINATION OF POWER BOATS, AND THE MARINA. THE SMALLER THE LAGOONS, THE LESS SUPPORT THAT UNIT V WILL RECEIVE FROM OUR COMMUNITY.

C.245

IMPACT ON WILD LIFE- AS AN AVID SPORTSMAN, IT HAS BEEN OF SPECIAL INTEREST WATCHING OUR ECOLOGY SYSTEM DEVELOP IN UNIT IV. ALTHOUGH THE LAGOON BEHIND MY HOME IS RELATIVELY NEW, I HAVE CAUGHT A NUMBER OF LARGE STRIPED BASS AS WELL AS 2 LEOPARD SHARKS FROM MY BOAT DOCK.

B-5 | THERE HAS BEEN A FASCINATING NEW DEVELOPMENT IN THE PAST FEW MONTHS. AT CERTAIN TIMES, WE HAVE COUNTED AS MANY AS 17 STRIPERS JUMPING IN OUR LAGOON. BY THE WAY, IF ANYONE ACTUALLY KNOWS WHY THESE FISH ARE JUMPING PLEASE CALL ME. I AM DYING TO FIND OUT THE REASON.

I HAVE ALSO SEEN A NEIGHBOR TAKE A STEELHEAD AND ANOTHER NEIGHBOR STRUGGLE TO REAL IN A STINGRAY. OTHER SEA LIFE SUCH AS CRABS, MUSSELS, AND BULLHEADS ABOUND.

B-5 | THERE HAS ALSO BEEN AN ASTONISHING INCREASE IN SHORE BIRDS, WHITE PELICANS, AND WATERFOUL, INCLUDING CANADIAN HONKERS. SORRY SIERRA CLUB, BUT IF I HAVE TO CHOOSE BETWEEN A SPOTTED MARSH MOUSE AND A CANADIAN HONKER, THE GOOSE WILL WIN EVERY TIME!

B-5 | IT STANDS TO REASON THAT THE ADDITION OF MORE LAGOONS AND SHORE BIRD HABITAT WILL ACT TO INCREASE THE QUALITY OF OUR WILDLIFE.

GEN-3 | OTHER AMENITIES- AS FOR THE GOLF COURSE, SHUTTLE SERVICE, SWIMMING POOL, TENNIS COURTS, MARINA, YACHT CLUB, R.V. STORAGE, ELEMENTARY SCHOOL, SHORE BIRD HABITAT, AND COMMERCIAL AREA, I VOTE "YES"! I SEE NOTHING IN THIS PACKAGE THAT ISN'T A MAJOR PLUS FOR BEL MARIN KEYS! THESE ARE ENHANCEMENTS TO OUR COMMUNITY, AND WILL ADD VALUE TO OUR HOMES.

C-1 C-2 | TRANSPORTATION- THE ROAD TO HIGHWAY 37, THE ROAD THROUGH HAMILTON, AND THE FERRY FROM PORT SONOMA/ MARIN APPEAR TO BE WELL THOUGHT OUT.

PB-34

C-2 | CLEARLY, THE ROAD TO HIGHWAY 37 IS SORELY NEEDED.

O-1 | AFFORDABLE HOUSING- MY DAUGHTER LIVES IN JACKSON, CALIFORNIA BECAUSE SHE CAN NOT AFFORD TO LIVE IN NOVATO. WHERE WILL YOUR CHILDREN LIVE? VENTURE CORPORATION HAS PROPOSED BUILDING 390 UNITS STARTING AT $130,000. VENTURE WILL ALSO EQUITY SHARE A NUMBER OF THOSE HOMES. THE NORTH BAY NEEDS THESE HOMES, AND MANY MORE LIKE THEM.

N-2 | TAXES & DREDGING- STUDIES SHOW THAT THE CSD REVENUES SHOULD SHOW A NET SURPLUS OF APPROXIMATELY $300,000 PER YEAR IF UNIT V IS BUILT AS PROPOSED. WE WILL ALSO RECEIVE A GIGANTIC BENIFIT BY HAVING A PERMANENT DREDGE DISPOSAL SITE. RIVER FRONT HOMES WILL ALSO BENIFIT BY HAVING NOVATO CREEK DREDGED.

YOU CAN MAKE A DIFFERANCE! NO ONE KNOWS, OR UNDERSTANDS, OUR COMMUNITY LIKE WE DO. THAT IS WHY, OVER THE YEARS, WE HAVE RIGHTFULLY RESISTED BECOMING A PART OF NOVATO. CAN YOU IMAGINE THE CITY OF NOVATO PASSING A BOND MEASURE TO DREDGE NOVATO CREEK? I CAN'T.

IN THE SAME VEIN, WE CAN NOT EXPECT THE MARIN BOARD OF SUPERVISORS TO UNDERSTAND, OR TO EVEN CARE, ABOUT WHAT IS BEST FOR BEL MARIN KEYS. THAT IS WHY, WHETHER THROUGH OUR WRITTEN COMMENTS OR AT PUBLIC HEARINGS, WE MUST VIGOROUSLY EXPRESS OUR POSITIONS.

I BELIEVE THAT THE OUR BIGGEST CHALLENGE IS TO BE SURE THAT OUR COMMUNITY RECEIVES, IN ITS ENTIRITY, THE PACKAGE OF AMENITIES THAT VENTURE HAS OFFERED US. JUST NAME ANY OTHER AREA IN THE WORLD WITH THIS PACKAGE AVAILABLE TO ITS RESIDENTS. PERSONALLY, I CAN'T NAME EVEN ONE.

WHETHER YOU AGREE, OR DISAGREE WITH MY VIEWS, YOU MUST GET INVOLVED. THIS IS THE BY FAR THE BIGGEST THING TO HAPPEN TO BEL MARIN KEYS IN 31 YEARS! IT IS UP TO US TO MAKE OUR POSITIONS KNOWN. AS ALWAYS, BEL MARIN KEYS WILL BE WHAT WE MAKE IT. OUR ACTION, OR OUR INACTION, WILL DETERMINE THE FUTURE OF OUR COMMUNITY.

PUBLIC COMMENTS- PLEASE SUBMIT YOUR COMMENTS BY 9/21/92 TO TIM HADDEN, ENVIRONMENTAL COORDINATER, MARIN COUNTY PLANNING DEPARTMENT, 3501 CIVIC CENTER DRIVE, ROOM 308, SAN RAFAEL, 94903

HAPPY SAILING,

CURT PROAPS

PB-35

RECEIVED

RECEIVED BY OCT 1 2 1992

1992 OCT 12 P 3:25

Bel Marin Keys, CA 94949

September 11, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

MARIN COUNTY
PLANNING DEPT.

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C.246

A-1 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county.

The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area *should be developed*. There are too many environmental impacts which can not be mitigated.

ALT-3 Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain?

M-2 The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect.

COR The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss. Correct the table.

ALT-3 The only other alternative with no unmitigated impacts is the Reduced Size Alternative with 160 homes. Why was this alternative not evaluated further? The fiscal analysis for this alternative incorrectly assumes a new fire station would be required even though the new homes would be closer to the existing fire station than many homes in Units 1-4. The net fiscal impact should be recalculated without the new firehouse, it will then show a gain.

C-8 The traffic studies that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all use BMK Blvd. to Hyw. 101 without gridlock.

C-2 Also, an access road through Hamilton, prior to construction, for relief on BMK Blvd. and emergency use is a must.

Sincerely yours,

Dr. John Schwimmer

BMK Resident: 189 Caroline Isle

cc: Supervisor Bevis

48

ATTACHMENT

PB-36

DOUGLAS THORNSJO
ATTORNEY-AT-LAW

1085 BEL MARIN KEYS BOULEVARD
NOVATO, CA 94949

September 11, 1992

Dr. Susan Ryan
Corps of Engineers
San Francisco District
Room 802
211 Main Street
San Francisco, California 94105

Re: Draft EIR/EIS - Bel Marin Keys Unit 5

Serious deficiencies exist in subject reports. Absent legal commitments for access through Hamilton, and extensive revision of the access both North and South to 101 and 37, there is no way that the project as now envisioned would not constitute a major traffic hazard and blockage for all current users of the streets and highways in question. It is totally insufficient to merely hypothetically deal with these issues. Nothing short of legal and binding arrangements both with the developers of Hamilton, and the California Department of Transportation should be accepted, and the Draft reports cannot be accepted without same.

C-8
C-9

Very truly yours,

Douglas Thornsjo

Admitted in California, Maine, Minnesota, New York, U.S. Supreme Court, Second and Eight Circuits, Southern District New York and District Maine

R
60

Tobias van Rossum Daum
161 Caribe Isle
Novato, CA 94949

PB-37

Bel Marin Keys, CA 94949

September 11, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county.

A-1 The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area should be developed. There are too many environmental impacts which can not be mitigated.

ALT-3 Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain?

M-2 The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect.

COR The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss. Correct the table.

ALT-3 The only other alternative with no unmitigated impacts is the Reduced Size Alternative with 160 homes. Why was this alternative not evaluated further? The fiscal analysis for this alternative incorrectly assumes a new fire station would be required even though the new homes would be closer to the existing fire station than many homes in Units 1-4. The net fiscal impact should be recalculated without the new firehouse, it will then show a gain.

C-8 The traffic studies that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all use BMK Blvd. to Hyw. 101 without gridlock. Also, an access road through Hamilton, prior to construction, for relief on BMK Blvd. and emergency use is a must.

C-2

Sincerely yours,

Tobias van Rossum Daum

cc: Supervisor Bevis

C247

(5)

ATTACHMENT 3

PB-37

RECEIVED BY

ADDITIONAL CONCERNS about Unit IV

J-1 - The project has 1190 homes but essentially NO USABLE Water for Water sports. This represents a safety and traffic danger

B-5 - Concerned about the impact Waterfowl and wildlife in the area

J-6 - Security and Safety considerations with the perimeter road and increased public access to the area

E-1 - Water Quality impact

Steve Wegner
185 CARIBE ISLE

PB-38

Bel Marin Keys, CA 94949

September 11, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county.

A-1 The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area should be developed. There are too many environmental impacts which can not be mitigated.

ALT-3 Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect. The text states the *net fiscal impact is a gain*, but the summary, Table 3.B-1, shows a loss. Correct the table.

M-2

COR

ALT-3 The only other alternative with no unmitigated impacts is the Reduced Size Alternative with 160 homes. Why was this alternative not evaluated further? The fiscal analysis for this alternative incorrectly assumes a new fire station would be required *even though the new homes would be closer to the existing* fire station than many homes in Units 1-4. The net fiscal impact should be recalculated without the new firehouse, it will then show a gain.

C-8 The traffic studies that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all use BMK Blvd. to Hyw. 101 without gridlock. Also, an access road through Hamilton, prior to construction, for relief on BMK Blvd. and emergency use is a must.

C-2

Sincerely yours,

Steve Wegner

cc: Supervisor Bevis

(5)
ATTACHMENT:

C.248

PB-38

ADDITIONAL CONCERNS about Unit IV

J-1 - The project is 1005/1190 homes but essentially No Usable Water for Water sports. This represents a safety and traffic danger

B-5 - Concerned about the impact Waterfowl and Wildlife in the area

J-4 - Security and Safety considerations with the perimeter road and increased public access to the area

B-1 - Water Quality impact

Angele Khachadour
122 Del Oro Lagoon
Novato, CA 94949-5332
(415) 382-05

PB-39

12 September, 1992

To: Marin County Planning Commission

Re: Bel Marin Keys-Unit V
Environmental Impact Report

My husband and I purchased our home in Unit IV in April 1990, with the knowledge that the land visible from our home would be developed in time. We are not opposed to a development per se, but find proposed Unit V objectionable in many respects.

I have read the EIR and reviewed the developer's Master Plan. Unit V has been designed to provide something for every taste, catering to every demand heard from the Bel Marin Keys residents, without much regard for environmental or economic realities.

C-249

O-1 I personally find especially crass the lure of 390 affordable units representing 32% of all units to be built. Obviously, that is designed for your benefit. How can anyone object to an increase in affordable housing? Certainly not the real estate broker who resides in a large Unit IV home, owns several more as investments, but wants the purchasers of market rate housing in Unit V to subsidize his daughter's purchase of a Bel Marin Keys home. I hope you will not be so easily seduced into making major concessions in return for the 390 units. The law mandates that 10% of any new development consist of affordable housing. A greater number would place an unfair burden on market rate housing buyers. There are many families of modest means in the older sections of Bel Marin Keys. They will be overburdened by the costs of additional services to be provided to the residents of the 390 units.

A-2 The developer claims a density of .74 compared with a density in Units I through IV of .43. That is grossly misleading. We do not presently have any open areas. A fairer comparison would be to look at the density in terms of the developed part of Unit V. If my calculations are correct, that density is .24, nearly twice ours.

J-3 There are presently 2 locks for 739 homes. Only one additional lock has been proposed for 1190 units. That is likely to shift more traffic to our lock which is already crowded on weekends.

C-10 Concerns about increased traffic and security have been raised by many residents. The solutions proposed by the

ATTACHMI

C-1 developer are pies in the the sky. Not a single solid proposal to mitigate those problems has been identified to date. A once a day ferry run to San Francisco provides no substantial relief. Who would subsidize it? For how long?

A-5 N-4 I urge careful consideration of the proposed commercial retail center. This proposal has apparently been put forth at the request of some homeowners or so claims the developer. Some would like a restaurant, others a grocery store, or both. The notion of doing one's shopping by boat, while appealing, is a trifle impractical and economically unsound. The developer proposes 3 or 4 slips for those who would like to be so serviced. Meanwhile, for those of us always pressed for time, there is a miniscule parking facility planned to serve all the envisioned commercial and social facilities. Any retail facility should be off the water and with adequate parking.

C-4 The developer promises shuttle buses to GGT. How can those be guaranteed? For how long? Too many offerings on the developer's platter are not cost effective and are likely to become added financial burdens on the community.

J-1 The developer makes much of the increase in water areas. The proposed waterways in fact simply service the new residents but do not provide space for general use. This will mean that virtually all water sports will be concentrated on the large lagoon in Units III and IV.

CN Unlike our resident real estate broker who would naturally see Unit V as a major personal opportunity, I see much that is not good either for the majority of current homeowners, or the Marin County community at large. A new yacht club, a ferry ride to work, a retail center almost certain to become an eyesore for those living across the water from it, are temptations designed to deflect from the adverse environmental affects Unit V would cause. Those effects have been carefully analyzed and identified in the EIR. It would be a serious mistake to trade the environment for a few affordable units. I hope you will not allow yourselves to be co-opted in this fashion. As presently designed, Unit V should be rejected as dangerous to the environment and not in the best interest of the community. No variance from zoning laws should be granted.

Angele Khachadour

cc: Army Corps of Engineers
BMK Planning Advisory Board

PB-40

Robert A. Farnham and Lisa T. Farnham
11 Dolphin Isle, Bel Marin Keys, CA 94949-5391

September 12,1992

Mark J. Riessenfeld, Director
Marin County Planning Commission
Marin Civic Center
San Rafael, CA 94903

Subject: Draft, Revised Countywide Plan, Staff- MCPCom.,8-24-92

Dear Mark:

I discussed further revision of Policy EQ-2.46 with Carol Williams. I now recommend the following changes:

C.250

1. The sentence beginning "Other uses___" should end: "are minimized and mitigated.", not: "or".

CN

2. Beginning with the next sentence, the rest of the paragraph should read: "Development for public uses, such as water oriented low intensity passive recreational and educational opportunities, and/or housing uses which emphasize affordable housing, and which would provide substantial public benefit, may be considered if environmental impacts can be mitigated. The protection of the bayfront environment should take precedence over all developmental uses, including affordable housing.

These changes make the new policy consistant with the old policy C-1.4 which permits "public access and recreational opportunities" to be developed in the BFC Zone as "public benefits" if the benefits exceed environmental costs and liabilities.

Sincerely yours,

R A Farnham

Robert A. Farnham

cc: Supervisor Bevis
Marin Conservation League
Marin Audubon Society
Carol Williams

PB-41

Mr & Mrs. Lawrence Stevens
1132 Bel Marin Keys Blvd
Novato, CA 94949

September 13, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Draft EIR for Proposed Unit 5

Dear Mr. Haddad,

I am a homeowner and resident of Bel Marin Keys and I am very concerned about harm that would be caused by the proposed unit 5 project. The project as proposed is too extensive for this area. The Environmental Assessment points out some of the adverse environmental impacts, but leaves many others unaddressed

C-10 Being that we live directly on Bel Marin Keys one of our main concerns is the traffic. Presently, Bel Marin Keys Blvd is a two lane road. The proposed Unit 5 would have a dramatic effect on traffic. The effects of this traffic and alternatives to ensure

C-13 that Bel Marin Keys does not become a freeway must be addressed further. There must be assurance that the bridge over the lock could NOT be closed to allow for commute traffic coming from and going to Unit 5.

E-2 Flood Control also must be examined more thoroughly. Consideration for the existing homeowners' property must be taken into account. The proposal to open the gates to the Unit 4 lagoon, when flooding of Novato Creek occurs, would raise the water level in the lagoons to a point that damage to existing property would occur. Presently, improvements exist 0.5 feet above the normal water level! If the proposed pumps were to fail what is the alternative method for removal of the flood water?

A-2 In conclusion, we endorse the concept and objectives of Policy CD-9.1 which rezones the undeveloped portions of Bel Marin Keys to Agriculture and Conservation, AG3. That policy, however, permits a maximum density of 2 acres per housing unit which would allow 800 units on 1600 acres. We believe this high density is not consistent with the AG3 and Bayfront Conservation Zone Policies. We recommend that the density range be eliminated and the density be set at the proposed lower limit of 10 acres per housing unit for a total of 160 home on 1600 acres.

Thank you for this opportunity to comment.

Sincerely,

Lawrence Stevens Denise Stevens

Lawrence Stevens & Denise Stevens

PB-54

ATTACHMENT 32

Glen Alherigi
21 Bahama Reef
Bel Marin Keys
Novato, CA 94949

RE: Draft EIR for Proposed Unit 5--Bel Marin Keys, Novato, California

ALT-5 A-1

I am a homeowner and resident of Bel Marin Keys and I am very concerned about the harm that would be caused by the proposed Unit 5 project. This project is too large for this area. It would create significant adverse environmental impacts as pointed out in the Environmental Assessment (C-1.4). In fact, the EA stated "The entire site is within the historic marshland and in agricultural use. Therefore, the EA authors have designated the entire area is basically unsuitable for development and should remain in bayfront preservation and in agricultural use."

ALT-5 A-5

The proposed project would triple the size of our community and would change its present residential character, through the addition of a shopping center, commercial golf course/tennis complex, restaurant, social center, and school.

C-10

In addition to numerous problems related to safety and the enivronment, is the issue of traffic. I strongly urge that there be a more in-depth study of the effects of increasing the traffic so dramatically in this area. At present we have only one two-lane road into Bel Marin Keys; this road cannot handle an increase in traffic.

C-2

It must be mandatory for a second access road to be provided through Hamilton Air Force Base should there be any development of the property. This road would need to be operational before construction could begin.

ALT-3

I believe the EIR should do a detailed study of the Reduced Size Alternative of 160 homes. This was not examined thoroughly in the Draft EIR and this case would certainly be more environmentally acceptable than the Mitigated Alternative (900 homes).

C.251

PB-43

Merry Alberigi
21 Bahama Reef
Bel Marin Keys
Novato. CA 94949

September 14, 1992

RE: Draft EIR for Proposed Unit 5

C.252

As a homeowner and resident of Bel Marin Keys, I appreciate the opportunity to comment on the draft EIR for the proposed Unit 5 project.

ALT-5 This project is too large for this area and poses a serious threat to the Bel Marin Keys community. It would have a detrimental effect on the wildlife and on the quality of life of the present Bel Marin Keys residents. It would change Bel Marin Keys from a quiet residential neighborhood into a commercial area and it would hasten the destruction of the fragile bayfront. The EIR needs to examine these adverse effects on the present residents and wildlife of Bel Marin Keys.

C-2 The EIR must include a more in-depth study of the effect of increasing the traffic so dramatically in this area. We have traffic problems now. The proposed access road to Highway 37 is needed today to alleviate the already congested business park, but this would give no

C-10 relief to the two-lane stretch of Bel Marin Keys Boulevard leading to the entrance of Bel Marin Keys.

C-2 Bel Marin Keys residents are adamant that <u>if any building</u> is allowed on the property then an access road through Hamilton Air Force Base must be in place and operational before any work begins. Bel Marin Keys Boulevard cannot absorb the increased traffic nor can the roadway handle the increased wear and tear.

PB-43

A-1 The EIR should review and include the conclusions of the Environmental Assessment (7/20/90) which found "the entire area as basically unsuitable for development."

CN A-2 Finally, the developer purchased the property at least 2 years after it was rezoned to Bayfront Conservation, which is the major deterrent to its development. The draft EIR should include this fact.

September 16, 1992

PB-44

U.S. Army Corps of Engineers
Regulatory Functions Branch
211 Main Street, Room 802
San Francisco, CA 94105

Attn: Susan Ryan

Dear Sirs:

This letter is to comment on the proposed Bel Marin Keys (BMK) Unit V Master Plan/Rezoning project and supplement my comments made at the hearing held on September 14, 1992.

C-10 The Draft EIR/EIS does not adequately address the impact of the additional traffic from the project on the only vehicular access road to the existing BMK development. What is the impact of the proposed perimeter road intersecting BMK Blvd.? Exactly where will the perimeter road intersect BMK Blvd.? The drawings in the DEIR indicate it will intersect in the vicinity of Headquarters Hill; however, this property is to be sold back to the Jack West family. If this happens, where will the road go? The only other alternative looks like Pacheco Pond which was established for flood control and mitigation for construction of the industrial park.

C-2 PD-1 The DEIR contains drawings on a proposed McInnis Parkway connecting Rowland Blvd. to the north with the San Rafael Civic Center to the south and the developer's proposal for McInnis Parkway connecting the perimeter road to Hamilton Field. These drawings look like McInnis Parkway goes over Pacheco Pond and through Hamilton Field. This could involve runway easements and significant toxic cleanup costs. Additional analysis should be done to assess the likelihood of either road being constructed and the resultant impacts on the proposed development and the current community of Units I-IV.

C-2 A second access road should be considered as a requirement before the project is developed. The disruption of heavy construction equipment on the one access road could pose a significant danger to BMK residents in case of a disaster, toxic spill, failure of the bridge at Pacheco Pond, etc. The need for this road and the impacts on the current and proposed development were inadequately covered in the DEIR.

C-1 The DEIR considers the proposed Sonoma Ferry as mitigation for the Unit V project. It's doubtful residents of BMK would travel north in order to board a ferry to travel south. The planned

C.253

C-1 operation of one run each in the morning and afternoon would make it even more doubtful this could be a continuing, profitable operation. Furthermore, I understand Sonoma County does not support this ferry operation. If this is true, it should be removed as a mitigation item for the project in the final EIR.

J-1 Several issues involve the waterways and the lagoons. The DEIR indicates the new project waterways will be restricted. This will significantly increase boat traffic on the existing lagoons in Units III and IV. Also, the issue of safety hasn't been adequately addressed. The existing lagoons are already crowded handling the boat traffic from approximately 400 homes. How can these lagoons possibly handle the additional boat traffic that will be generated by 1190 new homeowners? Why should current homeowners have to suffer as a result of the new development? Consideration should be given to creating separate lagoons for Unit V or requiring sufficient waterways within Unit V to accommodate their boat traffic.

ALT-1 The DEIR considers several on-site and off-site alternatives. However, several of these, which appear to be better alternatives, are not developed to the same degree of detail as the proposal. There are no schematics, maps or diagrams for the Mitigated Alternative. How can a reviewer determine if this alternative is superior to the proposal? One cannot determine the street layout, whether or not the perimeter road exists and, if it does, where is starts and ends, where the homes and ski areas are, and where the golf course is located.

ALT-4 All alternatives should be developed to the same degree of detail. Also, I suggest more information be developed to determine the feasibility of locating the retail commercial facilities off-site, possibly within the BMK Industrial Park. Also, further analysis of the need for an 18 hole golf course should be done. I question the advisability of locating a golf course in the midst of a water-oriented community and so close to the proposed Renaissance Estates golf course.

O-1 I also question the appropriateness of building affordable and senior housing on environmentally sensitive/waterfront property. One normally finds this type of housing conveniently located to shopping and public transportation. This type of housing appears to have been included to justify the requested zoning changes and the commercial center.

U.S. Army Corps of Engineers

A-1 Lastly, I feel the conclusions of the Environmental Assessment (EA) completed in 1990 should be included in the final EIR. The EA designated the area as basically unsuitable for development and indicated it should remain in bayfront preservation and agricultural use. The final EIR should state the extent to which the proposed project and the various alternatives address the concerns and issues identified in the EA and the mitigation that would be required.

I hope you will take these concerns into account when making your decision.

Sincerely,

Betty A. Colby

Betty A. Colby
25 Caribe Isle
Novato, CA 94949

C.254

September 14,1992

RE: Unit V EIR/EIS

To: The Marin County Planning Commission / Corps. of Engineers
From: Susan and Vince Lattanzio, 1092 Bel Marin Keys Blvd.

We have been residents in Bel Marin Keys for 4 years and live on the waterway known as Sunset lagoon. We are very concerned and strongly opposed to the current plan under review, proposed by Venture Corportion known as Unit 5. We have read the EIR /EIS and cannot understand how this project can even be considered as the environmental consequences will be significant.I have a degree in Marine Biology and have watched the quality of marine life in the lagoons deteriorate over the past two years as a result of Unit 4 housing and landscaping. This was only an addition of 159 homes.

E-1 B-4 *Mr Jacoby had a report done as a qualitative assesment of the aquatic habitat of Bel Marind* Keys Prepared by Entris Inc in July 12,1991. This report was extremely superficial and sloppily done indicating only very few of the species actually in the lagoon. The diversity of marine life was much greater 4 years ago...WHY ? Over this past year many of the species indicated in this report as well as others I've identified can no longer be found. The worst algae bloom in the past 4 years was this past summer destroying many invertebrate species. I strongly suspect that this was the result of the new landscaping in Unit 4 (only 159 homes), fertilizer runoff etc. which goes directly into the lagoon (Sunset). ***An additional 1190 homes would undoubtly destroy most marine life / waterfowl in these lagoons.***

J-1 J-2 E-1 The areas *designated for boating/waterskiing are basicly identical to what now supports <300* homes .....an additional 1190 homes with boats would be a nightmare as the Sunset lagoon run is the only suitable space for water and jet siding. We already have an incredible number of residents and guests who are completely oblivious to the basic water safety rules passed by the community. We currently have no enforcement of these rules . The Sheriff visits once a month which hardly helps the problem offenders. Often, with jet skiiers the situatuion is a disaster waiting to happen.. We live next to the launching ramp and watch these people pay no attention to speed regulations,they chase waterfowl, rarely follow appropiate ski patterns and often have boats, jet skis without mufflers or exhaust control. Inexperienced boaters have caused several major oil and diesel spills over the past year. Oil slicks are becomming more and more common.We swim in this water !.We have basicly no enforcement for our current regulations , ***How can anyone consider adding over 2000+ residents on the same usable water space.***

J-6 *(Not to mention public access to our waterway with the current plan and access road and MARINA !)

CN Other concerns include traffic, which is bad now out of the Keys,The Marina which would add to the pollution problem and hold people less accountable, with the Unit V plan providing no real benefits to the environment or the community.

ALT-5 We moved to Bel Marin Keys because of its beautiful , unique, and safe environment to bring up our children.. We believe the current Unit V plan, with the addition of 1200 homes, boats, cars, traffic, and crime that would result, is unacceptable. We are amazed that this plan has even gotten to this stage and hope the Planning Commission & Corps of Engineers is honest about the real impact of this development on the environment and community and not the empty promises/ money of Venture Corp. This land was zoned for agricultural use when Venture purchased it many years ago and until they come up with and environmentally sound plan that is how it should remain..

Respectfully,

Susan & Vince Lattanzio /1092 Bel Marin Keys Blvd /415-883-7967

C.255

September 14,1992

RE: Unit V EIR/EIS

To The Marin County Planning Commission / Corps of Engineers
From Susan and Vince Laffanzio, 1092 Bel Marin Keys Blvd

We have been residents in Bel Marin Keys for 4 years and live on the waterway known as Sunset lagoon. We are very concerned and strongly opposed to the current plan under review, proposed by Venture Corportion known as Unit 5. We have read the EIR /EIS and cannot understand how this project can even be considered as the environmental consequences will be significant.I have a degree in Marine Biology and have watched the quality of marine life in the lagoons deteriorate over the past two years as a result of Unit 4 housing and landscaping. This was only an addition of 150 homes.

E-1
B-4

Mr .Jacoby had a report done as a qualitative assesment of the aquatic habitat of Bel Marine Keys Prepared by Entrix Inc in July 12,1991. This report was extremely superficial and sloppily done indicating only very few of the species actually in the lagoon. The diversity of marine life was much greater 4 years ago...WHY ? Over this past year many of the species indicated in this report as well as others I've identified can no longer be found. The worst algae bloom in the past 4 years was this past summer destroying many invertebrate species. I strongly suspect that this was the result of the new landscaping in Unit 4 (only 159 homes), fertilizer runoff etc. which goes directly into the lagoon (Sunset). ***An additional 1190 homes would undoubtly destroy most marine life / waterfowl in these lagoons.***

J-1
J-2
E-1

The areas designated for boating/waterskiing are basicly identical to what now supports <300 homes .....an additional 1190 homes with boats would be a nightmare as the Sunset lagoon run is the only suitable space for water and jet skiing. We already have an incredible number of residents and guests who are completely oblivious to the basic water safety rules passed by the community. We currently have no enforcement of these rules . The Sheriff visits once a month which hardly helps the problem offenders. Often, with jet skiiers the situation is a disaster waiting to happen.. We live next to the launching ramp and watch these people pay no attention to speed regulations,they chase waterfowl, rarely follow appropiate ski patterns and often have boats, jet skis without mufflers or exhaust control. Inexperienced boaters have caused several major oil and diesel spills over the past year. Oil slicks are becomming more and more common.We swim in this water !.We have basicly no enforcement for our current regulations . ***How can anyone consider adding over 2000+ residents on the same usable water space.***

J-6

"(Not to mention public access to our waterway with the current plan and access road and MARINA !)

CN

Other concerns include traffic, which is bad now out of the Keys,The Marina which would add to the pollution problem and hold people less accountable, with the Unit V plan providing no real benifits to the environment or community.

ALT-5

We moved to Bel Marin Keys because of its beautiful , unique, and safe environment to bring up our children. We believe the current Unit V plan with the addition of 1200 homes , boats, cars, traffic, and crime that would result is unacceptable. We are amazed that this plan has even gotten to this stage and hope the Planning Commission & Corps of Engineers is honest about the real impact of this development on the environment and community and not the empty promises/ money of Venture Corp. This land was zoned agricultural when they purchased it many years ago and until they come up with and environmentally sound plan that is how it should remain.

Respectfully,

Susan & Vince Laffanzio /1092 Bel Marin Keys Blvd /415-883-7967

September 14, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94303

Dr. Susan Ryan, Impact Analysis Section
U.S. Army Corps of Engineers
San Francisco District
211 Main Street
San Francisco, CA 94105

SUBJ: RESPONSE ITEM TO THE BELL MARIN KEYS UNIT 5 DEIR/EIS

E-1
E-6

To-date, I have not seen an in-depth study of the effect that increasing the total Bel Marin Keys lagoon volume with the addition of Unit V, will have on the ability to successfully flush that lagoon within the time span of normal tide changes. I do not think that Novato Creek can handle the volume or velocity necessary to maintain water quality in the lagoons or scouring of Novato Creek.

Current experience based on careful monitoring of the flow after our last dredging of the creek indicates that we are at our limits now, that the creek depth is not being maintained and that a greater flow rate only results in a backup of creek water up-stream of the lagoon water insertion point.

I believe that the final version of the EIR/EIS should contain a section devoted to this problem.

Robert B. Matson
969 Bel Marin Keys
Novato, CA 94949

PB-48

To Marin County Planning Dept
Attn Tom Haddad
3501 Civic Center Dr Rm 308
San Rafael Ca 94903

US Army Corps of Engineers
Attn Joe Lucas Piper
S F Branch
211 Main St
S F Ca 94105

Brady Berns Memo to Supervisors
Mark Buscaglia Director Memo to Planning
Mark Westfall Director Co Development
BMK CSD

Subject: Comments on Draft EIR/EIS
Bel Marin Keys Unit V

From
Maryann A Cerri
1190 Bel Marin Keys Blvd
Novato Ca 94949

415-883-9612

I feel that the impact of the proposed Unit V would generate significant differences in the established way of life in Bel Marin Keys - already.

Units I thru 3 have joined with Unit 4 to enhance our unique area by enlarging our recreational water ways & adding a new lock and key control system to enhance the flushing system. Unit 5 offers less useable recreational water ways and over the lock to aid flushing, however, the crowded new water area would not have the time for adequate flushing with the tides - This situation is not acceptable to me.

The addition of shopping center, marina, public golf course / tennis complex would take on residential character way. This situation is not acceptable to me.

Further, a project of this size and scope would deny or only road to the "outside world" and emergency services into our area. Inaccessible roads are a result and pose to future development to preserve our present condition of existing road.

A significant change to be made in the position of the homes. The perimeter must be open invitation to illegal factor - persons - promoters - and "users" of homes as future rentals, etc. There is quite enough of this at this time with the fences and signs in place - subject to Sheriff on calls from BMK

If there are to be 600 or less home built, would there be a need for a school? Hellen Hamilton School

10/20

C.256

E-1

A-5

C-10
C-2

J-6

K-3

would do -

PD-1 Currently, there is no provision for dry storage of boats, trailers and RV's off road. There is no provision for boat parking at the marina, golf course, tennis courts etc - for D.K. users.

PB-49

COMMENTS ON THE DRAFT EIR FOR DMK UNIT V

FROM: MARGE AND PETER ROOME
29 Bahama Reef
Novato, Ca.94949

ALT-5 I would like to begin by stating that my husband and I are opposed to the Development of Unit V because we are gravely concerned about the impact that approximately 1200 more homes will have on the environment,our lifestyle, our property value, traffic, and water safety. We are also opposed to the development because we fear the impact of increased crime due to increased public facilities and recreation. WE also ask

A-1 you why the Environmental Assessment, which established the Baylfront Conservation Zone was not followed or adequately addressed in the EIR.

My specific comments today about the adequacy of the EIR have to do with the FISCAL IMPACTS of Unit V.

I feel that the EIR has neglected to address the following fiscal impacts:

I. In regard to the Creek:

N-1 -The EIR does not address the fiscal impact of increased [illegible] that will be required due to more boat traffic which will cause increased silting.

N-1 -It does not address the fiscal impact of lower water velocity during flood season due to bypassing flood water, resulting in less flushing during flood season

N-1 N-2 -The EIR does not clearly address who pays for the dredging: the COUNTY or DMK?

N-1 -The right to the county for dredging the proposed new channel is not addressed.

C258

PB-49

II. In regard to the Lagoons:

N-1 -The EIR does not address the fiscal impact of increased silting during the lagoons' flushing. There will be considerably more silting at the inlet culverts due to the increased acerage of water proposed for Unit V

-It does not address the cost of dredging the silt caused by flood waters.

WE feel that these are but a few of the fiscal costs not addressed in the EIR, however since my husband and I both are employeed full time, and are also small business owners, we have not had enough time to adequately review the EIR. WE unlike VENTURE CORPORATION don't have full time to devote to the issues raised by the horrors of "Foster City North," excuse me I mean DMK UNIT V. Please address the issues I have raised in regard to the EIR. And please don't let a developer ruin what is unique and precious about the community that we have chosen to live in.

Thank You.

Marge and Peter Roome/

Presentation

I am David Sowers, a resident of 10 Dolphin Isle, Bel Marin Keys. I am Vice Chairman of the BMK Planning Advisory Board, and Chairman of the Unit 5 Citizen's Committee. Today, I am speaking for myself.

ALT-5 CUM-1 The Unit 5 Project would nearly triple the size of our community. Given proposed projects at Hamilton Field with 1200-1500 dwelling units, Renaissance Estates with 150 dwelling units and a golf course, and now Unit 5 with 1190 dwelling units, the cumulative impacts may be tremendous. The final EIR should study, at least at a macro level, the <u>total</u> impact to our community if all these projects are built.

CN <u>Affordable Housing:</u> That is a nice term...just like lower taxes. The EIR should carefully define the sales price of these units and factor in any other attributes of affordable housing for this project. How affordable is it? It should justify why it is appropriate to build affordable housing on environmentally sensitive, water front properties, co-mingled with a golf course, and on property with extremely limited access. Would not affordable housing be more appropriate on O-1 cheaper, less environmentally sensitive land, on land closer to the freeway and closer to public transportation, and within walking distance of shopping center facilities such as Vintage Oaks? You must not mainly support or rationalize this development within the BCZ because it provides affordable housing that might be better developed elsewhere.

A-1 <u>EA:</u> A final Environmental Assessment for Bel Marin Keys Unit 5 was completed July 20, 1990, just two years ago. The EA authors stated that the entire area was basically unsuitable for development and that it should remain in bayfront preservation and in agricultural use. The planning commission reviewed both the draft and the final EA.

Minutes of the June 25,1992 meeting of the Countywide Planning Agency stated: "All of the city councils agreed that wetlands and dike marshlands should be protected. They recommended that housing not be built in wetlands and diked marshlands. The councils of Tiburon, Sausalito, Novato, San Anselmo, Ross and Fairfax went further to suggest that the County establish a Bayfront Resource Corridor as proposed by the Marin Conservation League."

A-1 Given the views of these councils and the conclusions of the EA how can the draft EIR consider a large development for Unit 5? The EIR authors must justify their final recommendations against these other strong conclusions. The final EIR should include a summary of the EA. The authors should state the EA conclusions with which they agree and are using as a basis for their evaluation, those with which they disagree and why, and to what extent the final project design satisfies the concerns of the EA.

C-2 <u>Transportation:</u> All parties, developer and residents, agree on the urgent need for better transportation. One access road is already an existing problem. I request that the County require a connector road thru Hamilton Field be in operation prior to the start of construction for <u>any</u> approved project.

<u>Alternatives:</u> Too many "large" alternatives were considered. One alternative contained 1600 dwelling units, four alternatives were at 1190, one at 900, one at 805, and only one Reduced Size alternative with 160 dwelling units.

ALT-4 I recommend that another smaller sized alternative be evaluated in <u>detail</u>. It could have a modest increase in dwelling units over that specified in the Reduced Size alternative if its environmental impacts are only slightly greater than those of that alternative, and if offset by the community amenities it would provide. It is recommended that the alternative have no commercial facilities, but it would include community owned amenities, such as a social center and recreational facilities.

<u>Conclusion:</u> Although the Planning Board voted to deny Rush Creek, it is troubling that the decision was over-turned. In this project the choices that you and our Supervisors make will be even more significant and far reaching. Marin has been a national leader in county planning, starting in the 1970's and later with the BCZ policies of the 1980's. Please continue to serve our community fairly and with great foresight. Thank you for this occasion to speak.

David F. Sowers
10 Dolphin Isle
September 14, 1992

David F. Sowers

C.259

PB-51

Presentation

I am Elaine Sowers, a resident of 10 Dolphin Isle, Bel Marin Keys.

I would like to summarize my concerns:

ALT-5 *The project is much too large.

*Please evaluate an alternative much closer to the Reduced Size alternative, but which would include free community amenities.

C-2 *A second access through Hamilton must be built.

O-1 *The property is ill-suited for low-cost housing. There are many more convenient, and less environmentally sensitive locations for such a development.

Thank you for the opportunity to speak.

Elaine F. Sowers
10 Dolphin Isle
Novato, CA 94949

C.260

PB
1.2

DANIEL V. GRINNELL
ATTORNEY AT LAW
934 Bel Marin Keys Boulevard
Novato, California 94949
Fax: (415) 883-6964
(415) 883-6050

PB-52

RECEIVED BY
1992 NOV -2 P 3:31
MARIN COUNTY
PLANNING DEPT.

November 1, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, #308
San Rafael, California 94903

Re: Comments on Bel Marin Keys Unit 5 Draft E.I.R./E.I.S.

Dear Mr. Haddad:

The following comments are made in my capacity as a homeowner and resident of Bel Marin Keys who works at home. I also make them as an environmentalist who for the past two years has had "hands on" experience in restoring native vegetation to public property within Bel Marin Keys.

C.261

1. Inadequate Evaluation of "Managed Mudflat" and Alternative of Tidal Salt Marsh

Although the proposed "managed mudflat", at 377 acres, occupies nearly a quarter (23.4%) of the entire site, only a tiny proportion of the Draft EIR/EIS is devoted to it. Further, there is no virtually no discussion of the alternative of converting the same or a larger area into a tidal salt marsh. That alternative deserves an extensive discussion of its own. With respect to the mudflat (dredge spoils dumping ground) plan, various questions arise that should be addressed, e.g.:

B-4

a. Would the extremily shallow water over the mudflat reach temperatures too high during the summer for the marine life intended as a food source for the wading birds the mudflat is meant to benefit?

b. Would the shallow area function as a salt evaporation pan?

c. W ild there be periodic algal blooms and die-offs?

d. What could be substituted as environmental mitigation as an ever-increasing proportion of the area were filled with dredge spoil mitigation of the areas of mudflat over the 85-year life of the area as a dumping ground?

B-4
N-1

e. What would be the cost and environmental effects of operating the pumps needed for a continuous discharge of salt water back into San Pablo Bay?

ATTACHMENT nn.

PB-52

2. Evaluation Needed of Potential For Environmental Enhancement/Mitigation/Restoration Within New Unit 5 Lagoon and Land Area

The draft underestimates the degree to which an ecosystem separate from Novato Creek and San Pablo Bay has become established in the existing lagoons. This involves quite a bit more than the fish that become trapped in the lagoons when the locks are left open for one day each month. For one thing, Pacific cordgrass (Spartina foliosa) is growing along the shoreline of the older lagoon in quite a few locations. In 1990, with the permission of the Community Services District, I began transplanting cordgrass into the new lagoon along the more than 1,000 feet of public shoreline between the streets Bermuda Harbor and Caribe Isle. Up to the present, 237 clumps averaging about 10" X 10" have been planted at 3-4 foot intervals, and the earliest clumps have spread laterally to join each other. Along with pickleweed (Salicornia virginica) that has been establishing itself at the same time, this entire shore now has a band of vegetation characteristic of a salt marsh. Furthermore, grants and appropriations totalling $11,000 have been obtained to supplement this project with appropriate native upland plants *along the bank*. The planting of these under the auspices of the C.S.D. should begin within the next few months. This is but one aspect of the significant ecosystem existing within the man-made Bel Marin Keys lagoons but minimized by the draft. B-5

Similarly, the draft does not really explore the great potential of the proposed Unit 5 lagoon as an ecosystem. Most importantly, a discussion is needed concerning the shoreline vegetation to be planted on the lagoon side of the lengthy perimeter road. It should be mentioned that the proposed Unit 5 lagoon has a great amount of shoreline along the perimeter road available for planting with native marsh vegetation, and that locating more homes here, as suggested by a number of Bel Marin Keys residents, would reduce this possibity. B-5

3. Discussion Needed of the Impact on Pacheco Pond of Alternative Routes of Perimeter Road and of New Road Through Hamilton Air Base

Having been created as mitigation for the building of the Bel Marin Keys Industrial Park, Pacheco Pond is a large brackish pond and marsh that is a quiet refuge for many different species of birds. It is also a delight for those who pass by its northern end as they drive to and from the residential section of Bel Marin Keys. The value of this refuge could easily be destroyed by a poor choice of location for the intersection of the new perimeter road and Bel Marin Keys Boulevard. This is also true for the choice of a route for the new outlet road through Hamilton Air Base. The draft fails to give these matters adequate consideration. PD-1

4. More Discussion Needed on Safety Aspects of Design of Perimeter Road, Including Consideration of Having A Wide Median Strip

Due to the wide median strip down the existing residential section of Bel Marin Keys Boulevard, there is no danger of head-on collisions between vehicles. Furthermore, the danger is reduced for right-angle collisions between vehicles at intersections and for vehicle-pedestrian accidents because the driver or pedestrian crossing Bel Marin Keys Boulevard need look in only one direction to see if a vehicle is approaching. Thus, the wide median strip has probably saved a number of lives over the years.

With nine intersections planned, the perimeter road will have even more than Bel Marin Keys Boulevard. Also, since it is over three times the length of the residential section of B.M.K. Boulevard, drivers will be tempted to drive even faster than along B.M.K. Boulevard to reach their destinations. How could a median strip of at least 40 feet (two car lengths) increase safety? The draft should address this issue and alternative.

C-13

I appreciate this opportunity to make these comments.

Yours truly,

Daniel V. Grinnell

cc: Bel Marin Keys Development Associates

Colleen McKaughan
120 Caribe Isle, Novato, California 94949

RECEIVED BY Sept. 18, 1992

Dear Mr. Haddad:

Our family resides at the above address in Bel Marin Keys. We would like to offer the following comments on the draft EIR/EIS for the proposed Unit 5.

CN 1) We do not see the need for such a project, especially given the environmental impacts that the project will generate. Although the idea of affordable housing is attractive, the affordable units will be supported by a large number of expensive homes plus several commercial projects (i.e., marina, shopping center, yacht club,

PB-53

CN golf course etc.). Marin County is not lacking either expensive homes or commercial centers. Open space, wetlands, and agricultural land would be better uses of the land.

ALT-5 2) If this project goes forward, it must be scaled down. Doubling the size of the community will put heavy demands on existing services & change its character. It will also expose existing residents to many years of construction/development impacts.

J-1 3) The lagoon area planned for Unit 5 is inadequate and will not permit the type of boating use enjoyed by the residents of

PB-53

C.264

Colleen McKaughan
120 Caribe Isle, Novato, California 94949

J-1 the other lagoons. If the lagoon area for Unit 5 is not increased, it will shift boating use to the other lagoons.

4) The mitigation of the traffic impacts from Unit 5 include new roads, additional bus service, & ferry service. None of these transportation projects are within C-2 the power of the developer to deliver on his own so we don't consider them to be adequate. In addition, it is likely that many of the new residents would still commute by car on 101 regardless of other options. Even

that Marin County is still nonattainment for ozone & carbon monoxide, any F-1 project that adds more traffic to F-3 the County &, thus, increases these pollutants, is ill-advised.

5) The fiscal analysis is incomplete. It does not address increased costs N-2 to the CSD and to the community for maintenance and service of the new homes.

6) The creation of new wetlands to offset the use of existing wetlands doesn't make sense, especially if the new wetlands B-4 will be used for agriculture part of the year. Why not leave the existing wetlands as they are?

Colleen McKaughan
120 Caribe Isle, Novato, California 94949

A-5 1) We also oppose the change in character of the community from solely residential to residential/ commercial. It should stay residential.

Thank you for your consideration of these comments.

Sincerely,
Colleen McLaughlin

rcvd. 9/14/92 3:30 p.m.

PLANNING COMMISSION HEARING - SEPTEMBER 21, 1992
BEL MARIN KEYS UNIT 5 DRAFT EIR/EIS (DEIR/EIS)

Good afternoon, my name is Lisa Farnham, I live at 11 Dolphin Isle, Bel Marin Keys.

O-4 The proposed low cost and affordable housing is composed of townhouses segregated on two islands in three high density clusters. The effect of this segregation on the resale value of the homes is not discussed in the Draft EIR/EIS? The resale value is of great importance to the proposed county fund for future affordable housing. This impact needs to be addressed.

A-2 Clustering of low cost housing is also against Countywide Policy C-3. The Draft EIR/EIS did not discuss compliance with this policy.

A-1 The Final Environmental Assessment of July 20, 1990, concluded that the Unit 5 site should remain undeveloped. The Draft EIR/EIS was supposed to use the findings of the Environmental Assessment. Why does the Draft EIR/EIS propose 900 homes in the mitigated alternative? How can this be consistant with the Environmental Assesment?

Thank you for the opportunity to comment.

rec'd 9/14/92 3:11

PB-55

PLANNING COMMISSION HEARING - SEPTEMBER 21, 1992
BEL MARIN KEYS UNIT 5 DRAFT EIR/EIS (DEIR/EIS)

Good afternoon, my name is Robert Farnham, 11 Dolphin Isle, BMK.

I have followed this project since the start of the EA process. The decisions on Unit 5 will have long lasting significance since Unit 5 is the first test of the Bayfront Conservation (BFC) zoning policies established ten years ago. As you are aware, the land covered by these policies is the most environmentally sensitive land in the county. The impact of overturning, or reducing the effectiveness, of the BFC policies on the future protection of BFC lands must be addressed in the DEIR/EIS.

A-2 The heart of the BFC zoning in this case is policy C-1.4. The DEIR/EIS addresses housing provisions in this policy; however, it does not address the remainder of the policy. If a land use requires diking, filling, or dredging, the public benifit "must exceed environmental costs and liabilities". Although some low and moderate income housing may be allowed under this policy, the lagoons may not. Dredging and diking for *lagoons*, which are not a public benefit, must not be permitted under this policy. The EIR/EIS must address this policy limitation.

PD-4 A-1 Corollary to the exclusion of the lagoons is the project objective " To fulfill the hopes and expectations of the original Bel Marin Keys residents". Due to the increased awareness of the need to preserve property such as Unit 5, the County policies have changed since 1965 and many of the "hopes and expectations" for this site were no longer feasible when the project applicant purchased the propery. The Environmental Assessment (EA) would have alerted the project applicant of these limitations had he waited for the findings of the EA before he prepared and filed his Master Plan. The DEIR/EIS must address this issue as well as recognize the effect of including an infeasible objective when analyzing this project.

C-2 The Transportation Analysis shows the McInnis Parkway as just lines on a sketch. This is unacceptable for analysis. The original McInnis Parkway proposal went through part of Unit 5. Where will it go now? An adequate prelimenary engineering study must be included.

C-2 A-2 The DEIR/EIS states that HQ hill will be deeded to the West family. In that case, where will the perimeter road be located? What are the other impacts of this property transfer?

A-1 The DEIR/EIS has not adequately addressed the findings of the Final EA of July 20, 1990, which concluded that the site should remain undeveloped.

Thank you for the opportunity to comment.

I'll have more

C.266

PB-56

September 21, 1992

PUBLIC IMPUT LETTER REGARDING EXPANSION OF BEL MARIN KEYS

Mark J. Riesenfeld
Marin County Planning Department
3501 Civic Center Drive #303
San Rafael, CA 94903

B.M.K. Community Service Dist. Board
4 Montego Key
Novato, CA 94949

As long term residents of Bel Marin Keys we oppose the proposed Phase V expansion of our unique waterfront community for the following reasons:

C-2 C-6 (1) Traffic Access. Under the proposed plan, we estimate approximately 2000 additional automobiles will be located in Bel Marin Keys and one access road would be insufficient. The development would also increase conjestion on Highway 101.

J-1 (2) Boat Congestion. The additional lagoon acreage as proposed does not provide any real increase in usable skiing and boating areas. The introduction of hundreds of additional boats would greatly impact boating congestion and safety in the unrestricted lagoon areas.

ALT-5 (3) Excessive Development Size. Venture Corporation is proposing to build more homes than current zoning permits. The impact on the overall quality of life for existing residents and the environment would be highly adverse. The proposed plan contradicts aspects of the County Wide Development Plan.

MIT-1 (4) Trust. Venture Corporation has presented the proposed plan in a fashion that reveals attempts at securing public support with misleading development inducements and evasive committments regarding mitigating the significant construction period and long term impacts of the proposed expansion.

E-3 We believe what Bel Marin Keys needs is a long term dredging plan for existing water ways and as residents we would be willing to contribute to the cost of ongoing dredging maintenance.

We oppose the proposed expansion of Bel Marin Keys.

Mark & Nancy Kubik
[illegible]

HADFIELD & WILSON
AN ASSOCIATION OF LAWYERS

PB-57

San Francisco District
U.S. Army Corps of Engineers
Regulatory Functions Branch
211 Main Street
San Francisco, CA 94105

September 22, 1992

Attention: Ms. Susan Ryan Jahansooz

Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Re: Bel Marin Keys Unit 5
Draft EIS/EIR
Hamilton Field

Gentlemen:

A review of the captioned report and statement for the Bel Marin Keys Project No. 5 indicates that no consideration has been given to the impact of aviation usage at Hamilton Army Air Field, which, as you know, is adjacent to the captioned project.

You should be aware that the military retains prescriptive easements to the air space over the proposed project which have not been addressed in either the report or the statement. While Hamilton Army Air Field may, someday, be closed, it is more likely that it will be utilized for civilian purposes as an air field in the future. I make this statement because of my familiarity with aviation circumstances in the Bay Area, particularly the tremendous need for reliever airports for San Francisco and Oakland.

G-5 Accordingly, it is appropriate that you give notice to any citizen interested that this prescriptive right exists and that any development and purchase of the property subsequently will be subject to an easement for noise and use.

I wish to call you attention to the difficulties which the Airport Commission of the City and County of San Francisco has endured as a result of its failure to secure a noise easement over those lands under the approach and departure ends of the runways of that airport. Persons purchasing property within Bel Marin Keys Unit 5 are most probably foreclosed from commencing any action or

C.267

ATTACHMENT 2

ONE SANSOME STREET SUITE 1900 SAN FRANCISCO CA 94104 (415) 951-4673

PB-57

G-5 securing noise abatement in view of the existing prescriptive rights and may well have causes of action against the developers, the County and the Corps of Engineers for failure to warn them thereof.

Very truly yours,

James D. Hadfield

JDH:aw
cc: Vic Camby

PB-58

PB-59

September 26,1992

Mr.Tim Haddad
Environmental Coordinator
Marin Planning Department
3501-Civic Center Drive
Room 308,San Rafael,California
94903-4157

Dear Mr Haddad:

This letter is written in response to the planned development at Bel-Marin Keys mentioned in your letter of Septemer 16,1992.

Before any action is taken I suggest that all of the authorities involved LOOK at Highway 101 and other major roads,avenues,streets and lanes and alleys during any time of the night or day.There can be ONLY one description,we are overbuilt in single family homes,apartments, condominiums,hotels and motels and "moth-in-law"units.To build just one more house with its compliment of an auto and a pickup truck crowds us like the sardines in a can.Most of us who have come to Marin County in the last 40 years,at least,came to escape from San Francisco or some other crowded city for a large lot to build on with sufficient space for the kids to play on,a lawn,a flower garden for the wife and some space for the inevitable vegetable garden,to raise these things that were better tasting than the ones sold in the local stores.I am 82 years of age and have lived to see so-called developers shrink our San Francisco Bay by filling in our splendid marshes, that are the breeding grounds for all those creatures that our salmon,strped bass and other fish live which are the core of our commercial and sport-fishermen lives and businesses. "Developers" God,how I hate that word, cant stand to see undevecloped property, they just have no love for the land,their only desire is to make money at other peoples expense and then "Scram" with the loot.I must admit that I have become a "No Growth" advocate until our highway and road congestion is cured however I believe that persons that own a single lot should be able to build a home thereon ONLY for themselves and not for speculation. Those are my sentiments and I am sure that they are shared by the majority of Marin's property Owners.

Yours truly

Peter Maraccini

Peter Maraccini
316 Laverne Avenue
Mill Valley,California
94941

CN

See Letter #PB-354

C.268

(84)

ATTACHMENT 21

PB-60

C.269

October 7, 1992

RECEIVED BY
1992 OCT 13 P 1:43
MARIN COUNTY
PLANNING DEPT.

Mr. Tim Haddad
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA

Dear Mr. Haddad,

We have reviewed in detail the Draft Environmental Impact Report /Environment Impact Statement for the proposed Bel Marin Keys Unit 5 Development. We have a number of concerns with the document. In particular, we feel that the following points have not been adequately addressed within the document and require further research and review:

A-1 o There is no mention or response to the Environmental Assessment for the area that was finalized in 1990. That document recommended strongly against significant further development in the Bel Marin Keys area. The environmental concerns expressed within that document were well-researched and clearly stated. It is our understanding that Marin County both accepted and supported the conclusions of that excellent document. How then, can we put aside the knowledgeable conclusions expressed in the EA of 1990? We feel that a direct response to the recommendations contained in the 1990 EA is required within the Unit 5 proposal.

C-5 o The traffic predictions within the EIR/EIS do not take all traffic usage into consideration. It appears that only a few targeted commute hour parameters were studied and projected. It also appears that only traffic originating from residents was considered. The proposals for golf course, significant shopping areas and other attractions for non-residents requires that hours beyond "typical" commute hours must be studied and must include non-resident traffic.

J-1 o The recreational waterways within Bel Marin Keys are already highly congested and at peak times present serious danger to participants and residents due to overcrowding. The Draft EIR/EIS proposes almost NO additional recreational waterway space. It must be acknowledged that people who relocate to a waterfront community are often doing so with a primary purpose of gaining proximity to recreational water. The proposed additional waterway space appears to be a significant amount of acreage, but actual usable recreational water is almost nil. The EIR/EIS MUST address this critical need for any new development within Bel Marin Keys.

B-5 B-6 B-7 o The wetlands of Bel Marin Keys have recently been thriving with wildlife, both in the water and in the surrounding undeveloped areas. As full-time residents, we know that the character and quantity of the wildlife have increased and changed drastically just within the last year. Any previously-conducted surveys of protected wildlife are hopelessly out of date. Any proposal that might affect our precious wildlife in this unique area must include a professional and up-to-date survey of the current and potential population of endangered and protected species.

ALT-3 o Possible alternative plans for reduced development have not been seriously addressed within the draft EIR/EIS. Especially in light of the conclusions and recommendations of the Environmental Assessment of 1990, alternative proposals for reduced scope of development must be given detailed analysis and projection of impact to be seriously considered. The current

88

ATTACHMENT 11

ALT-3 draft EIR/EIS barely discusses any alternative proposals and does not follow through on any sort of analysis of impact of those alternatives.

We are confident that you will require detailed and professional responses to the above issues from the Unit 5 development team. We know that the preservation and protection of precious Marin County resources is your primary concern.

Thank you for your attention to this serious matter.

Sincerely,

David Del Real Linda L. Belanger

David Del Real
Linda L. Belanger
56 Bahama Reef
Novato, CA 94949
(415) 382-9303

cc: Bel Marin Keys Homeowners Association
Bel Marin Keys Community Service District

PB-61

Mr. Merrill C. Louks
Del Oro Lagoon
Novato, Ca. 94949

RECEIVED BY
1992 OCT 21 P 2:56

October 15, 1992

Mr. Tim Haddad
Marin County Planning Commission
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

MARIN COUNTY
PLANNING DEPT.

Dear Mr. Haddad:

My wife and I are five year residents of Bel Marin Keys and feel strongly that the proposed development of Unit 5 will ruin the area for existing residents.

There are the numerous questions raised concerning the environment, water quality, congestion, traffic that we do not see how anyone could possibly consider approval of this development.

CN And what about good faith. We purchased our property knowing that the surrounding areas were protected as agricultural or wet lands. Now some slick developer has determined that he can make a killing at the expense of many others by manipulation and has a lot of people fooled. The greed in this matter reminds me of the type of "me first" thinking that caused the Savings and Loan crisis, and I hope the people that control our fate can see the entire picture.

C-6 C-10 For the life of me I can't see how anyone can not recognize the devastation that this development will bring to all of northern Marin County and not just to the environment. If you try to get out of Bel Marin Keys now at 5 PM you can certainly imagine the grid lock that we will see in the future. Also, the poor commuter that has to travel from Novato to San Rafael now can predict what the future will be like with a couple of thousand more homes thrown in.

CN But then a few individuals will become multi-millionaires at the expense of tens of thousands of others and in recent years this seems to be the American way. Sorry about the sarcasm, but my way of life is threatened and I wanted to let you know how we feel.

We hope that you will consider our feelings in the role you play in the Unit 5 development.

Sincerely,

M.C. Louks

Merrill C. Louks

C.270

ATTACHMENT 12

JEAN POUTEAU, M.D.
84 Bahama Reef
Novato, CA 94949

RECEIVED BY
1992 OCT 20 P 1:07

October 16, 1992

MARIN COUNTY
PLANNING DEPT.

Marin County Planning Commission
Attention: Mr. Tim Haddad
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dear Mr. Haddad:

Recent events such as the publication of the Environmental Impact Report on Unit V of Bel-Marin Keys, a proposed development, and a recent meeting on the subject at Bel-Marin Keys; have compelled me to comment.

I would have liked to attend the September 14 meeting. I had heard the EIR but was restrained by illness. I have since perused the October 12 mailing from Venture Corporation. Today I received Newsletter No. 3. Rereading the newsletter helps to reflect my own concerns and impels me to the following comments:

I live on South Lagoon and my main view is to Hamilton, the hayfields and the animal activity there. Part of the charm of living here is the "big sky" appeal of the lagoon with the differing views each day and seasons, watching the morning fog as the water at dawn, seeing the fish jump on a quiet morning. Part of the charm is seeing the marsh-hawks on patrol or watching the night herons heading out at nightfall to fish. Part of the charm is hearing the residential ducks quack in the early morning or hearing the Canada geese on their migratory way. Part of the charm is seeing the alliance of human and animal as the ducks are fed each morning and evening.

E-1
J-1 Much of this is already threatened by existing activity on the lagoon. It is now no longer safe to swim in the lagoon where I live. Every year fewer and fewer sail boats are seen. Fishing becomes more and more unproductive as power boats proliferate.

B-5
G-3 With the development of Unit V, such issues are multiplied many times. Much of the charm of which I spoke will vanish. No more will we see the marsh-hawks or the night herons, the Sunday morning peace will be shattered by the buzz-saw clamor of a power boat. The shores of our lagoons will be cluttered with debris of more and more people living in our midst.

J-2 We have had difficulty in enforcing our rules on boating. Every weekend I see speed violations of water skiing without the extra person to hoist the flag and look after the tow-line, drinking on the part of boaters, jet skiers on Sunday. We also see boats brought in by non-residents. All of these problems will be multiplied by Unit V development.

C-2 An ongoing concern for many years has been the fact of an access road to Bel-Marin Keys. Although Venture Corporation mentions another road to Hamilton and one to Highway 37, no EIR has been filed. The existing EIR predicts increasing traffic on Highway 101 both North and South as a consequence of Unit V development. Peak commuter traffic has doubled my commute time in the past two years and will probably further increase it. Unit V development would add even more to the traffic burden on all of us. Yet relief proposals seem to be empty of substance, fascinating to none of us who haven't thought about how relief is to be obtained. I remember reading the EIR thinking, "Well that's not such a bad percentage increase, I could live with that," until after two weeks of bumper-to-bumper commuting, it finally dawned on me that it wouldn't ever get better, it was only going to get worse. It may anyway as more commuters come from Santa Rosa and Petaluma and/or shoppers come north looking for bargains at the Rowland Center. But then Unit V will add to that congestion.

Oh welcome return of sanity after listening to the siren song of the developers!

Ten years ago various business interests proposed the development of Hamilton Air Force Base for a local commercial airport. Countywide response to a variety of such proposals, six in all, was a resounding two to one vote against such development. Today we have no less a threat to our quality of life, but must deal with that threat on a much more local basis.

ALT-5 Unit V developers offer us increased market value for our properties, as a major inducement for us to all love this proposal. I maintain that Unit V would tend to degrade the quality of life in Bel-Marin Keys, driving down the property values.

There are those who do not care about the quality of life here, either because they do not live here or because their sole concern is with making a profit. We cannot reason with such people, but we can defeat them. We can defeat them through community action. We've done it before.

Sincerely,

Jean Pouteau, M.D.

C.271

PB-62
HADDAD/2

RECEIVED BY
1992 OCT 28 P 1:10
MARIN COUNTY
PLANNING DEPT.

JEAN POUTEAU, M.D.
84 Bahama Reef
Novato, CA 94949

PB-63

October 16, 1992

To: Tim Haddad
Environmental Coordinator
Marin Co. Planning Department.

Dear Sir:

Recent events such as the publication of the Environmental Impact Report on Unit V of Bel-Marin Keys, a proposed development, and a recent meeting on the subject at Bel-Marin Keys; have compelled me to comment.

I would have liked to attend the September 14 meeting. I had ~~heard~~ read the EIR but was restrained by illness. I have since perused the October 12 mailing from Venture Corporation. Today I received Newsletter No. 3. Rereading the newsletter helps to reflect my own concerns and impels me to the following comments:

I live on South Lagoon and my main view is to Hamilton, the hayfields and the animal activity there. Part of the charm of living here is the "big sky" appeal of the lagoon with the differing views each day and seasons, watching the morning fog on the water at dawn, seeing the fish jump on a quiet morning. Part of the charm is seeing the marsh-hawks on patrol or watching the night herons heading out at nightfall to fish. Part of the charm is hearing the residential ducks quack in the early morning or hearing the Canada geese on their migratory way. Part of the charm is seeing the alliance of human and animal as the ducks are fed each morning and evening.

E-1 J-1 Much of this is already threatened by existing activity on the lagoon. It is now no longer safe to swim in the lagoon where I live. Every year fewer and fewer sail boats are seen. Fishing becomes more and more unproductive as power boats proliferate.

B-5 G-3 With the development of Unit V, such issues are multiplied many times. Much of the charm of which I spoke will vanish. No more will we see the marsh-hawks or the night herons, the Sunday morning peace will be shattered by the buzz-saw clamor of a power boat. The shores of our lagoons will be cluttered with debris of more and more people living in our midst.

J-2 We have had difficulty in enforcing our rules on boating. Every weekend I see speed violations, water skiing without the extra person to hoist the flag and look after the tow-line, drinking on the part of boaters, jet skiers on Sunday. We also see boats brought in by non-residents. All of these problems will be multiplied by Unit V development.

C-2 An ongoing concern for many years has been the fact of an access road to Bel-Marin Keys. Although Venture Corporation mentions another road to Hamilton and one to Highway 37, no EIR has been filed. The existing EIR predicts increasing traffic on Highway 101 both North and South as a consequence of Unit V development. Peak commuter traffic has doubled my commute time in the past two years and will probably further increase it. Unit V development would add even more to the traffic burden on all of us. Yet relief proposals seem to be empty of substance, fascinating to none of us who haven't thought about how relief is to be obtained. I remember reading the EIR thinking, "Well that's not such a bad percentage increase, I could live with that," until after two weeks of bumper-to-bumper commuting, it finally dawned on me that it wouldn't ever get better, it was only going to get worse. It may anyway as more commuters come from Santa Rosa and Petaluma and/or shoppers come north looking for bargains at the Rowland Center. But then Unit V will add to that congestion.

Oh welcome return of sanity after listening to the siren song of the developers!

Ten years ago various business interests proposed the development of Hamilton Air Force Base for a local commercial airport. Countywide response to a variety of such proposals, six in all, was a resounding two to one vote against such development. Today we have no less a threat to our quality of life, but must deal with that threat on a much more local basis.

Unit V developers offer us increased market value for our properties, as a major inducement for us to *all* love this proposal. I maintain that Unit V would tend to degrade the quality of life in Bel-Marin Keys, driving down the property values.

ALT-5 There are those who do not care about the quality of life here, either because they do not live here or because their sole concern is with making a profit. We cannot reason with such people, but we can defeat them. We can defeat them through community action. We've done it before.

Sincerely,

Jean Pouteau

Jean Pouteau, M.D.

C.272

ATTACHMENT b.

October 17, 1992

PB-64

To:
Marin County Planning Com.
ATT: Mr. Tim Haddad
3501 Civic Center Drive, Rm 308
San Rafael, CA 94903-4157

To:
Army Corps of Engineers
ATT Dr. Susan Ryan
211 Main ST, Rm 802
San Francisco, CA 94105

We have been homeowners of Bel Marin Keys since its inception, 1963.

We moved in 1964.

We are strongly opposed To The entire Unit 5 For all The enclosed reasons.

We would also like To point out That when we purchased our home we were promised an over-pass on highway 101. 20 years later we Finally got it

An access road must be built First. IF Unit 5 were built The Traffic getting out of B-M-K would be devastating. PD-1 C-2

With The existing over-pass, There is still a line-up getting out of BMK at The peak hours. We don't need more homes in B.M.K

Nick and Anne Bruno
37 Montego Key
Novato, CA 94949

C.273

ATTACHMEN

1166 Bel Marin Keys
Novato, CA 94949
October 17, 1992

RECEIVED BY
1992 OCT 21 P 2:55
MARIN COUNTY
PLANNING DEPT.

PB-65

Marin County Planning Commission
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dear Mr. Haddad:

Regarding the DEIR/S for Bel Marin Keys, I am very concerned about the following hazardous effects the proposed Unit 5 development would have on the area.

E-1 E-4 **NUMBER ONE** The **quality of the water** in the lagoons **must be maintained**. The run-off from the proposed golf course, and 1000+ new homes, cars, dogs, and boats would contaminate the lagoons. Plushing could not be maintained. The "Hawaii of Marin" could become another Love Canal.

B-5 2. The local and migratory birds would lose their home.

C-13 3. In an Emergency (earthquake or fire), traffic would be at a gridlock - preventing rescue vehicles from entering and residents from evacuating.

J-1 4. The increased boat traffic would make the lagoons unsafe and a nuisance rather than a joy that they are now.

I have lived in different sections of the Bay Area for over 40 years and chose Bel Marin Keys for my retirement. It is in harmony with nature, and I hope it can maintain it's uniqueness for future generations.

Sincerely,

Rita A. Forsyth

Rita A. Forsyth

ATTACHMENT 9

PB-66

RECEIVED BY
1992 OCT 23 P 1:46
MARIN COUNTY
PLANNING DEPT

Merry and Glen Alberigi
21 Bahama Reef
Novato, CA 94949

October 19, 1992

Mr Tim Haddad
Marin County Planning Commission
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Bel Marin Keys Unit 5

Dear Mr Haddad,

I am sending you the latest Bel Marin Keys Neighborhood Newsletter, addressing some of the concerns we would like to have investigated in the EIR/EIS for Bel Marin Keys Unit 5.

ALT-5 We believe the project submitted by Venture Corp. is an inappropriate development given the many impacts that cannot be mitigated. The EIR/EIS must look closer at the effects on traffic, water safety, crime, and the environment

Thank you

Sincerely,

Merry and Glen Alberigi

C.274

Bel Marin Keys Neighborhood Newsletter #3

PB-66

Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it's the only thing that ever has. — Margaret Mead

October 11, 1992

Dear Neighbors,

After considering the size and complexity of the proposed Unit 5 development, the Planning Commission extended the public review and comment period to November 2, 1992.

Why? Since our last newsletter, about 60 Bel Marin Keys residents—you and your neighbors—attended and spoke at two crucial meetings on September 14: Public comment meetings with the Marin County Planning Department and the Army Corps of Engineers on the Draft Environmental Impact Report/Study (DEIR/S) on Unit 5.

The Chairman of the Planning Commission had high praise for the BMK community members who spoke at that meeting. He said that in the 19 years he has attended Planning Commission meetings, he has never heard a group so well organized, and so dead center in addressing the issues raised by the DEIR. We believe that those who attended the meeting and those who wrote letters can be certain their presence and their spoken and written comments encouraged the Planning Commission to recognize and examine Unit 5's threat to the environment and quality of life, e.g., traffic and crime. One member of the commission, previously in favor of the development, said that the comments he heard from us convinced him to take another look.

We did it—but we are not done!

- *What does this mean to me?*

It means that you now have time to write a letter (or another letter) to the Planning Commission and Corps of Engineers, expressing your concerns about the issues raised or ignored by the DEIR. Please do this because working together we can affect what happens to BMK—our community.

- *I don't have time to read and comprehend a document the size of two phone books!*

You don't have to. On the reverse of this sheet you will find a partial list of issues that were raised at the September 14 meetings. If you feel strongly about any or all of them, put them in your own words and send them to the Planning Commission and Corps of Engineers and register your vote!!

THE WORST THING IS TO DO NOTHING!! because we will all have to live with the results of inaction . . . and we don't even want to think about those consequences.

Please attend one of the "informational coffees" that will be given by your neighbors in the next two weeks. Watch for a notice or call us for details.

Marge and Peter Roome
29 Bahama Reef, 883-7083

Merry and Glen Alberigi
21 Bahama Reef, 883-9076

YOU HAVE ONLY UNTIL NOV. 2 TO SEND YOUR LETTERS. PLEASE DO IT TODAY!!

Please write to the Marin County Planning Commission and the Army Corps of Engineers about the Draft Environmental Impact Report/Study (DEIR/S). Following are some questions and comments you could bring up in your letters.

PB-66

—WATER QUALITY—

E-4 · What would be the effects of run off from fertilizers from the golf course and from landscaping for the new homes?

J-10 · What would be the effects from the buried toxic disposal at Hamilton AFB seeping into the flooded areas?

E-1 · BMK lagoon water must be flushed to maintain the quality necessary for recreational use (human contact). It is questionable whether flushing would be successful if the proposed Unit 5 is built, given the increased volume of water and the narrow peninsulas.

—TRAFFIC—

C-8 · What would be the cumulative impacts on traffic from all sources, such as, traffic from the business park when it is completely built out and occupied, and traffic from the Hamilton and Renaissance Developments. Bel Marin Keys Boulevard cannot be allowed to be the only access road to the existing and proposed communities. An access road through Hamilton must be required before any further development of the area is allowed. This is crucial as a relief from traffic gridlock and as an emergency precaution.

C-2 · This proposed secondary access road through Hamilton is offered in the DEIR/S as a solution to the traffic problems we would face. But, this road might never be approved. This road would require its own EIR and as yet no such study has been done.

F-6 · How would the increased car and boat traffic affect air quality?

—SAFETY—

J-6 · What about the greater public exposure of our homes and property due to the project's design and the increased opportunity for access via the lagoons?

J-2 · Water Safety rules would be much more difficult to enforce, particularly with boats owned and operated by non-residents.

J-2 · How would the water safety of Lagoons 3 and 4 be ensured with the pressure from additional boaters from the proposed project?

—ENVIRONMENT—

A-1 · An extensive and expensive Environmental Assessment was written on this project which stated: "The entire [Unit 5] site is within the historic marshland and in agricultural use (many policies strongly favor protecting such areas). Therefore, the EA authors have designated the entire area as basically unsuitable for development and [urge that it] should remain in bayfront preservation and in agricultural use." That says it all and makes one wonder why the project continues to be considered. Much of the damage to the environment will never be repaired, and there are NO mitigations or means for abating this damage.

B-5 · Unit 5 would disrupt the feeding and nesting grounds of local and migratory birds.

Marin County Planning Commission
Att: Mr. Tim Haddad
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Army Corps of Engineers
Att: Dr. Susan Ryan
211 Main Street, Room 802
San Francisco, CA 94105

There are so many issues that they cannot all be dealt with here. For an in-depth look at the issues, please contact the CSD office to review the 13 page response to the DEIR/S written by the BMK Planning Advisory Board. CSD telephone: 883-4222

C.275

PB-67

RECEIVED BY
1992 OCT 23 P 1:46
MARIN COUNTY
PLANNING DEPT.

137 Caribe Isle
Novato, CA 94949
October 19, 1992

Mr. Tim Haddad
Marin County Planning Commission
3501 Civic Center Dr., Room 308
San Rafael, CA 94903-4157

Dear Mr. Haddad:

My husband and I have lived in Bel Marin Keys since 1968. At that time we heard promises of better things to be and we are once again hearing the rehetoric.

Our main concerns about development of Unit 5 are:

K-6 1. Sufficient wat r to maintain our current standard of living. Yes, we have been fortunate not to have water rationing, but we can't be certain of the future.

C-2 2. Traffic--Absolutely no additional housing should be built until additional access and exit roads are built. I am fortunate to live on a smaller side street, but the traffic on the main thoroughfares will be impossible.

J-8 3. The increase in public exposure. At this point in time, we are fortunate that most people who visit Bel Marin Keys are invited. As a result, we are almost crime free. We don't need people coming into the area who don't belong so they can loiter around a Seven-Eleven (or some such store.)

Hopefully, you will deem my concerns as valid.

Sincerely,
Joan G Lindsay (Mrs)

PB
(incl)

WERNER S. LEWIN, JR.
ATTORNEY AT LAW
55 CAVALLA CAY
NOVATO, CALIFORNIA 94949
(415) 883-8220

PB-68

RECEIVED BY
'92 OCT 21 P 2:56
MARIN COUNTY
PLANNING DEPT.

October 19, 1992

Tim Haddad
Environmental Coordinator
Marin County Planning Dept.
3501 Civic Center Drive, #308
San Rafael, CA. 94903-4157

Re: Bel Marin Keys Unit V

Dear Mr. Haddad:

C.276

This letter is written to reiterate my opposition to the proposed size and scope of the above-referenced project.

As indicated in my September 4 letter, I have been a resident of Bel Marin Keys since October 1988, when I purchased my home in the Unit IV section of said community. I moved to Bel Marin Keys principally for it's unique, secluded environment which, needless to say, I am beginning to fear is significantly jeopardized by a project the size and scope of that proposed.

As indicated previously, I am not now nor have I ever been opposed to **limited** development of the area in question. However, one cannot overlook the significant impact of the proposed development.

Since my September 4 letter, Venture Corporation has written to me and my neighbors requesting that we choose between two alternative plans that they have come up with, neither up which reflects a scaling back of the size of their proposed project. Furthermore, said correspondence makes no reference to the necessity of a new access road, something, I am advised would require an EIR of it's own.

ALT-5

Others have no doubt written to you about our secondary concerns regarding, water quality, safety, the environment as well as the ramifications of the inclusion of a commercial complex within the proposed project. In short, we depend upon you, the Army Corps of Engineers and others to make reasonable, knowledgeable decisions that will benefit, not hurt our community.

PB-68

Again, I request that you take the concerns of myself and my neighbors into consideration in seeing to it that the scope and extent of the proposed Unit V development is appropriately scaled back in size.

ALT-5

Thank you.

Very truly,

Werner S. Lewin, Jr.

WSL:ls

cc. Bel Marin Keys CSD

Cyrus Shadman
Zahra Salek
1121 Bel Marin Keys Bulv
Novato CA. 94949

RECEIVED BY
92 OCT 20 P 1:00
MARIN COUNTY
PLANNING DEPT.

October 19, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael CA. 94903-4157

Dear Mr Haddad,

We have been a homeowner and a resident of Bel Marin Keys for 7 years . We are writing this letter to you to express our concern about the new development in our community, known as unit 5. After we carefully studied all the issues involved regarding this development, both from a developer's and a current resident,s view, we find that this project will tremendously impact the traffic and the environment, as well as the air and water quality and safety of our community. The project is too large; adding 1200 new homes and commercial and public recreational facilities would more than triple the existing traffic in the Bel Marin keys Boulevard. in addition to increased traffic the publicly accessible lagoon road and the commercial/ recreational facilities would dramatically reduce the safety of our community. Why should a project with such impacts on our community be approved?

ALT-5

Thank you for your concern for the residence of Bel Marin Keys.

Sincerely,

Z. Salek

zahra Salek and Cyrus Shadman

cc: Bel Marin Keys CSD

C.277

ATTACHMENT 5

PB-70

C.278

CN

A2

OCT 20 1992.

JERRY FRIEDMAN
CHAIRMAN
MARIN County PLANNING Commission
MARIN Civic Center
Room 308
SAN RAFAEL CA 94903

Dear Commissioner Friedman,

I lived in Bel MARIN Keys Our back yard looks at a view of a hay field on the left and a better view of a larger lagoon on the right. I'm tired of looking at the hay field it looks terrible. Also the Unit V looks half finished. (picture enclosed.

I urge you to change the zoning of our neighboring parcel to accomodate the County's original vision in the final General Plan.

Thank you
Sincerely,
[illegible]

ATTACHME

Bel Marin Keys Resident Four years



PB-70

Dr. S. Alan Cohen 25 Calypso Shores, Bel Marin Keys, Novato, CA 94949/Tel: 415-883-1439

20 October 1992

RECEIVED BY
1992 OCT 21 P 2:59
MARIN COUNTY
PLANNING DEPT

PB-71

Tim Haddad
Marin Planning Commission
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

I have just read Venture Corporation's plans for developing Bel Marin Keys Unit V and the DEIR related to that proposal. I need your help.

I expected to read about a 50 to 100-unit development, which typically calls for a 200-unit request. That request would allow the Commission to play its role in cutting the unrealistic initial request in half. Isn't that the way it usually works?

Imagine my shock to discover a proposal for 1190 units! That means Venture Corp. seriously expects your commission to compromise at about 600 new homes. What shocked me even more was the anemic EIR which mentions traffic congestion as if it were simply an irritant to be considered. On that basis, I would expect these EIR experts to consider Chernobyl something of a *medium* irritant.

CN

Adding 600 units to Bel Marin Keys will destroy the unique character of my community. If the Commission approves this project, it will destroy the value of my home. The lack of roads will be a traffic disaster, not a simple irritant. Added to Venture Corporation's master plan to develop the Hamilton to Port Sonoma corridor, Unit V will play a major role *in destroying Marin County's appeal.*

ALT-5

I appreciate a landowner's right to develop. I'm sure landowners appreciate the risks of investment. I believe, as they do, that "progress is inevitable." But I'm <u>not</u> convinced that clogged highways, pollution, and large concentrations of people represent progress. I think environmental safeguards for wetlands protection and your Commission's charge also represent *progress.* Please remind your Commission members that my neighbors and I depend upon that type of progress to *safeguard our lifestyles. Do not let us down.* Please disallow Venture Corporation's definition of inevitable progress.

CN

Sincerely,

S. Alan Cohen

C-279

TIM / DAN

PB-72

Drs. M.&N. Kubik
192 Caribe Isle
Novato, CA 94949
October 20, 1992

Public input: RE EXPANSION OF BEL MARIN KEYS

Supervisor Brady Bevis:
3501 Civic Center Drive
San Rafael, CA 94903

We want NO FURTHER DEVELOPMENT of Bel Marin Keys or Hamilton Field until the SEVERE TRAFFIC PROBLEMS on the Hwy 101 corridor are solved. At 8 a.m. it is taking 40 minutes to get to Larkspur, normally a 20 minute drive from home. This is untenable. It is crippling to the economy of the county. It creates poor air quality. We can not begin to consider adding more houses, people and cars to this severe congestion.

C-8
C-9

Sincerely,

Nancy Kubik M.D.
Mark Kubik M.D.

cc Mark J. Riesenfeld
Marin County Planning Dept

Dr. Susan Ryan US Corp of Army Engineers
211 Main St Rm 802
San Francisco, Ca 94105

BMK Community Service Board
4 Montego Key
Novato, Ca 94949

107

C.280

GEN-3

Dear Mr. Haddad -

This is just a reminder letter - as I have already written you before today - In that letter I stated all the reasons why the Unit 5 should not be approved -

Please no Unit 5 -

Sincerely,

Norma Lukasiewicz

MARIN COUNTY
PLANNING DEPT.

1992 OCT 20 P 1:01

RECEIVED BY

Norma Jean Lukasiewicz
2 Bahama Reef
Novato, CA 94949

ATTACHMENT

RECEIVED
1992 OCT 26 P 3:18
MARIN COUNTY
PLANNING DEPT.

Julie and Klaus Messmer
172 Bel Marin Keys Blvd.
Novato, CA 94949

October 20.1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Draft EIR for Proposed Unit 5-Bel Marin Keys, Novato, California

Dear Mr. Haddad,

I am a homeowner and resident of Bel Marin Keys and I am very concerned about the harm that would be caused by the proposed Unit 5 project. This project as proposed is too large for this area. It would create significant adverse environmental impacts as pointed out in the Environmental Assessment.

ALT-5

E-1 BMK lagoon water must be flushed to maintain the quality necessary for recreational use (human contact). Well flushing be successful if the proposed Unit 5 is built, given the increased volume of water and the narrow peninsulas?

C-8 What would be the cumulative impacts on traffic from all sources, such as, traffic from the buisness park when it is completely built out and occupied, and traffic from the Hamilton and Renaissance Developments?

C-2 Bel Marin Keys Boulevard cannot be allowed to be the only acces road to the existing and proposed communities. An acces road through Hamilton must be required before any further development of the area is allowed. This is crucial as a relief from traffic gridlock and as an emergency precaution.

J-2 The ERI/S does not adequately address water Safty. Water Safty rules would b emuch more difficult to enforce, particularly with boats owned and operated by non-residents.

Thank you for your assistance.

Sincerely,

Julie and Klaus Messmer

(112)

ATTACHMENT d.

October 20, 1992

RECEIVED BY
1992 OCT 23 P 1:48

MARIN COUNTY
PLANNING DEPT.

Mr. Tim Haddad
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Bel Marin Keys Unit V

Dear Mr. Haddad:

I am both a homeowner in Bel Marin Keys Unit IV and a print shop owner doing business in the Bel Marin Keys Industrial Park. I have recently attended several public meetings offering review of the Unit V redesign plans and comments on the DEIR/S.

C.281

C-10 The traffic is so problematic in the industrial park that many firms have had to go to alternative work schedules. We have our employees on four ten hour days, working 6:00 A.M. until 4:00 P.M. Since we don't close our doors until 5:00 P.M., I sometimes sit 25 minutes on Commercial Blvd., just trying to turn right on Bel Marin Keys Blvd. to head home. I don't know a neighbor who would intentionally leave their residence in Bel Marin Keys at 5:00 P.M. to run an errand. Traffic is a nightmare.

C-2 Please listen to those of us who live with this problem --- a proposed secondary access road through Hamilton must be required before any further development of this area is allowed.

Sincerely,

Rochelle O'Haire
31 Cavalla Cay
Novato, CA 94949

cc/Army Corps of Engineers
Attn: Susan Ryan
211 Main Street, Room 802
San Francisco, CA 94105

cc/Brady Bevis, Supervisor
Marin County Civic Center
3501 Civic Center Drive
San Rafael, CA 94903-4157

October 20, 1992

RECEIVED BY
1992 OCT 23 P 1:49

MARIN COUNTY
PLANNING DEPT.

Marin County Planning Commission
Attn: Mr. Tim Haddad
3501 Civic Center Drive, Room 308
San Rafael, California 94903-4157

U.S. Army Corps of Engineers
Attn: Dr. Susan Ryan
211 Main Street, Room 802
San Francisco, Ca 94105

Reference: Bel Marin Keys Proposed Construction

Gentlemen:

I am an owner of a home in Bel Marin Keys – by only 5 months. I bought this house on Caribe Isle because I wanted to enjoy the quality of life afforded by the water and its beautiful surroundings. The community is a delight with no crime and friendly neighbors.

ALT-5 I fear that with the addition of so many new homes the individuals who now live in Bel Marin Keys will be greatly affected by the density as proposed by the builders. The lots will be smaller and the traffic worse. I am firmly against the addition of more cars on the congested freeway as well as more traffic on Bel Marin Keys Blvd.

In conclusion, PLEASE DO NOT APPROVE THE DEVELOPMENT IN ANY FORM in Bel Marin Keys -- Please allow us to live in peace.

Sincerely,

Leila Tweed
68 Caribe Isle
Novato, Ca 94949

PB-77

...an Lukasiewicz
2 Bahama Reef
Novato, CA 94949

Dear Mr Ryan -

Re: Unit 5, Bel Marin Keys

GEN-3 I am not in favor of constructing Unit 5. Our road systems cannot handle the increased load -

GEN-3 The plans are to build homes close to the flight line of Hamilton Field, which I think is wrong. We already live too close to it. There is more air traffic there than anyone seems to realize - Mistakes drive out our wildlife - which is one reason we live here - As for the ferry line - this would cause a surge of traffic on Bel Marin Keys

C-1 C-10 Blvd. & line on the Blvd. and we already have much noisy traffic. We do not [illegible] want [illegible] Please make [illegible] Unit 5 -

Sincerely,
Jan Lukasiewicz

C.282

PB-78

PETER STACKPOLE
PHOTOGRAPHER
1055 Bel Marin Keys
Novato, Calif. 94949
(415) 883-4048

RECEIVED BY
1992 OCT 23 P 1:47
MARIN COUNTY
PLANNING DEPT.

Oct. 21, 1992.

Marin County Planning Commission
Att: Mr. Tim Haddad
3501 Civic Center Drive. Room 398
San Rafael, Ca.

Dear Mr Haddad:

As a newcomer to Bel Marin Keys I carefully selected this area as unique in it's privacy with it's building long ago completed and it's traffic light enough to live with. Having lost our home in the Oakland fire I found the Keys to be the most tranquil fire danger free area I could possibly find - a place to live out our lives with no further problems.

Now I see there are to be problems, big ones that should concern everyone living on our two lagoons. Some of the charm of living here are the fields and marshlands surrounding us where one can delight in watching the abundant wildlife. It's a wildlife sanctuary on our lagoon for part of the year , too. If the huge development propoosed by the Venture Corp. is allowed to proceed, what happens to these sanctuaries and the needed farmlands? With no other lagoon planned are we to welcome newcomers with the hundreds of new boats they will bring to our lagoons when it is already getting crowded and far too noisey on weekends.

ALT-5 B-5

C-2 Are we expected to put up with greatly added traffic using our only entry to the Bel Marin Keys when there is not yet a definite plan for alternate exits and entrances to the proposed development? I don't think tempting the existing property owners with club houses, a golf course, a tennis court and a restaurant is of sufficient attraction for us that we'd be willing to lessen the unique living standards we now enjoy in Bel Marin Keys.

Sincerely,

Peter Stackpole

PB-79

October 21, 1992

RECEIVED BY
1992 OCT 27 P 2:38
MARIN COUNTY
PLANNING DEPT

Bel Marin Keys Development Association
C/O Venture Corporation
P.O. Box 847
Mill Valley, CA 94942

Dear Sirs:

In response to your October 14, 1992 letter to Bel Marin Keys residents, either you have missed the point of the major concerns raised about the current design of Unit V, or you are consciously trying to deceive and manipulate us. While we applaud you for beginning to address two of the flaws in the plan, perimeter security, and lagoon size, you have ignored other important issues, most significant of which is the overall size of the development.

ALT-5 Time and time again you have been told that the proposed plan has too many houses. It is simply too big. The explosive growth you propose cannot be sustained in this confined space and sensitive environment. The October 9, 1992 letter from the U.S. EPA to the Corps of Engineers on the Draft EIS clearly states that the size of the project will adversely affect the environment and is inconsistent with several environmental and open space plans and laws. The report further notes that the only potential way to mitigate such threats is through a significantly reduced size alternative. We don't want this area to be the next South Bay with *continuous houses, traffic, people* and all the associated environmental and over-growth problems.

A-5 You also do not have consensus on the inclusion of commercial and recreational space in the development. Many of us feel strongly that these "services" are not consistent with the quiet, exclusively residential lifestyle of our community, and are therefore unwanted. New commercial development can easily be accommodated within the existing industrial park. The influx of people, traffic and crime from outside the area, drawn to these so-called "amenities", will change the unique character of the present Bel Marin Keys in a negative way forever.

ALT-5 Left unresolved are other important issues dealing with access roads (can they/will they ever be built); the proposed ferry (still a "pipe-dream" and will most likely make no significant difference in the commuting habits of BMK residents); reduction of air and water quality and open space; and disruption of habitats and wetlands. Until you have adequately mitigated these other major problems, our "vote" is "none of the above" - NO DEVELOPMENT.

Sincerely,

Donald C. White
64 Bahama Reef

cc: BMKCSD; Marin Planning Commission; Army Corps of Engineers

ATTACHMENT e.

C.283

Robert A. Farnham and Lisa T. Farnham
11 Dolphin Isle
Bel Marin Keys, CA 94949-5391

RECEIVED BY
MAR OCT 23 P 1:02

MARIN COUNTY
PLANNING DEPT.

October 22, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Subject: Draft EIR/EIS (DEIR/S) for Bel Marin Keys Unit 5

Dear Mr. Haddad:

The following comments are additions to our written comments of September 10, 1992, and our oral comments at the DEIR/S hearings.

C-284

ALT-4
E-2 The attached Flood Control plan was proposed for review at the NOP stage and in our written comments of September 10, 1992. In view of the EPA comments on the DEIR/S, I believe a more complete discussion of the plan is warranted. The plan utilizes the same flood-water-bypass principle as the Master Plan except the bypass flood water flows over a weir into the flood plain instead of through mechanical gates into the lagoons and on to the managed mudflat. County flood control personnel concluded in the past that the bypass principle was feasible if concerns regarding reliability and liability of using the lagoons were resolved. Quoting from the letter of June 24, 1985, from Romain Repair to Lee Oberkamper, "Again, the concept of passing flood waters through the lagoon area is one that would satisfy the F-2 zoning ordinance and we look forward to working with you on this concept". The plan attached does not rely on mechanical devices or utilize lagoons with houses. Please evaluate this plan as part of the Reduced Size Alternative since it will most certainly be the "least damaging practicable" flood control alternative to implement along with the least damaging development.

C-1 In the Transportation Section the need for a stoplight on Hiway 37 at Port Sonoma to handle the ferry traffic must be considered. The environmental impact of impeding hiway traffic flow during commute hours, as well as at other times, must be evaluated.

D-2 The sliding emergency bridges over the locks must be built to withstand earthquakes. The existing lock will need to be rebuilt to the same standards as the new lock.. The cost and environmental impact of replacement must be addressed.

Thank you again for the opportunity to comment.

Sincerely yours,

Robert A. Farnham

cc: Dr. Susan Ryan
Supervisor Bevis
Romain Repair

ATTACHMENT

PB-80

BEL MARIN KEYS UNIT 5
FLOOD CONTROL UTILIZING FLOOD PLAIN MANDATED FOR F-2 FLOOD ZONE

FLOOR PLAIN PLAN DESCRIPTION

The following notes refer to the corresponding numbers in circles on the attached drawing.

1. Construct a weir in the levy along Novato Creek to allow creek to overflow into drain channel (2) to flood plain. Weir height set to prevent flooding of homes along Novato Creek.

2. Construct a drain channel (2) adjacent to existing lagoon levy and extending to the dike at the bay to distribute overflow water over flood plain (5) as appropriate for agriculture and wildlife. Provide a buffer zone between the new channel and Unit 5 development.

3. In this plan the Unit 5 development is restricted to a maximum of 325 acres by flood control regulations. Development is located along the southwestern edge of the site for minimum environmental impact. The approximate boundary for the maximum area allowed for development is shown at (3). The balance of 1275 acres, or more, is flood plain and remains essentially undisturbed.

4. Install pumps at this location to minimize ponding time, if required for maximum agricultural production.

ADVANTAGES OF THE FLOOR PLAIN PLAN

1. The Plan provides the most reliable fail-safe flood control system of all known alternatives including the Ultimate Channel. Dredging required in the Ultimate Channel case is eliminated. No automatic equipment is required to regulate flows as in the Master Plan Case. Weir height can be lowered if necessary to protect creek-side homes in case of settling, or high tides due to wind or global warming.

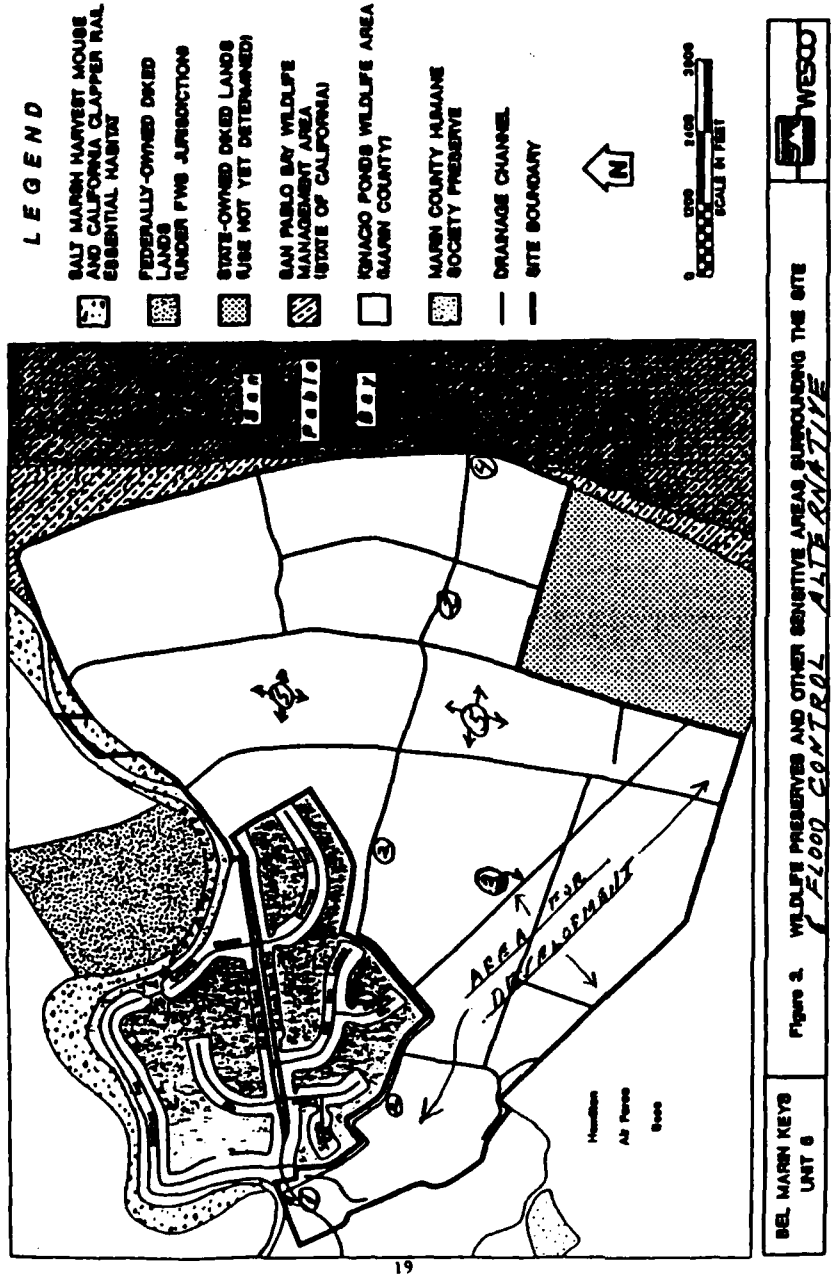
2. The Plan does not endanger homes on existing lagoons since the lagoons are not involved for flood control. The Plan also provides a means to offer greater protection to homes along the creek than other plans.

3. The Plan provides flood water storage capacity approximately 6 times the calculated volume proposed in the Master Plan (using the lagoons) so it far exceeds all known requirements. Only overflow flood-water at high tide (similar to that entering the lagoons in the Master Plan proposal) enters the flood plain.

4. 80%, or more, of the site is left essentially undisturbed.

5. Fire response time is greatly improved for Unit 5 and will be acceptable without an additional station. No movable bridges, over locks, are required for emergency access.

PB-80



C285

19

PB-81

RECEIVED BY
1992 OCT 26 P 3:25
MARIN COUNTY
PLANNING DEPT.

767 Del Casa Lagoon
Novato, Ca 94949
9-2

Mr. Tim Haddad
3501 Civic Center Drive
San Rafael, Ca 94903

Dear Mr. Haddad:

ALT-5 I have held off long enough! This letter is to let you know that I and my wife are opposed to the development of unit II in Bell Marin Keys. The current plan simply won't do-it's too big.

GEN-3 My big concerns are: water quality, traffic, safety, crime and the ever tender environment.

Sincerely,

PB (119)

ATTACHMENT 8.

PB-82

C-286

Oct. 24, 1982

RECEIVED
'82 OCT 26 P 2:51

MARIN COUNTY
PLANNING DEPT.

Dear Ms. Haddad,

I am a resident of Del Marin Keys. There are some deep concerns regarding the possible development by the Venture Corporation. I don't believe that Del Marin Keys Blvd. could handle more traffic than it already has. There are times during the day when cars are lined up for blocks. I feel that there would be a serious safety factor if more development would be allowed. At the present time we have a wonderful variety of natural habitat. Besides the graceful strip bass in our lagoons, we have white pelicans, ducks, egrets, deer, rabbits and many more special creatures. All of this liveliness would be severely altered if Venture Corp. adds their development to Del Marin Keys. I urge you to please review the possibility of this development.

Thank you.

Sincerely,

Lucerley A. Schneider
114 Del Ma Lagoon
Novato, CA
94949

C-10

C-13

B-5

B-5

PB-83

200 Caribe Isle
Novato, Ca. 94949

Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, #308
San Rafael, Ca. 94903

RECEIVED BY
MARIN COUNTY
PLANNING DEPT.
'92 OCT 28 P 1:14

10/25/92

Dear Mr. Haddad,

We are writing in response to the DEIR/DEIS prepared for the proposed Unit 5 of Bel Marin Keys.

We have read through the reports and tried to understand them to the best of our abilities. We would like to make just a couple of comments here regarding this project.

ALT-5 Currently, the community of Bel Marin Keys is a very pleasant place to live, with an outdoors, water-oriented lifestyle orientation. Our concern is that the planned project is far to large, and will have a tremendously negative impact on the area. The addition of 1900 homes plus businesses cannot be absorbed in this corner of Marin County without significant adverse effects to the environment and to those who currently live here.

B-5 The lands that are currently used for farming, are a lovely habitat for birds and animals, which are well known to those who live in this community. If developed, We would have limited access to those areas and the birds and animals would be displaced.

C-2 C-10 There is only one road into the Bel Marin Keys Industrial Complex and into the community of Bel Marin Keys. There are times during the day when getting into and out of this area is very difficult due to traffic congestion.

C-1 The addition of 1900 homes without significantly improving the traffic flow is absurd. On a similar topic, there is no reason to associate the Bel Marin Keys project with the proposed ferry terminal at Port Sonoma.

C.287

PB-83

C-1 We do not suppose that many people would drive ten minutes in the opposite direction to board a ferry for a long boat ride into San Francisco. The two projects are unrelated from a practical standpoint.

E-1 There has not been enough attention paid to the fact that the addition of 1900 homes in a water community adds a large number of boats to the water system. The developers have not allowed for enough open water space to accommodate those boats and this would put a huge environmental strain on the current lagoon system.

We thank you for reading our views on this and hope that you and the planning department will work towards rejecting the current plans of the Venture Corporation for the development of Bel Marin Keys, Unit 5.

Sincerely,

Jeffrey W. Dietz, M.D.
Paige Sartorius Dietz

PB-84

RECEIVED BY

1992 OCT 26 P 3:22

MARIN COUNTY
PLANNING DEPT.

Mr. Tim Haddad, Enviromental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca., 94903

Subject: Proposed Subdivision Bel Marin Keys Unit Five

Dear Sir,

We have resided in Bel Marin Keys since 1972 before Unit Four was constructed. We didn't object to Unit Four because it seemed that the impact on our area would be minimal. Now however upon investigating the proposal for Unit Five, we feel that because of the impact Unit Five will have on our community and our quality of life the project as presented should be rejected.

Below we list the main reasons that cause us our greatest concerns:

ALT-5 1. The size of the project is to great and could have a significant impact on the environment and quality of life we currently enjoy.

C-10 2. The only access to Unit Five will still be the present two lane road which is all ready practicaly grid looked during morning and afternoon commute traffic to the Industrial Park.

C-5 F-5 3. If 1200 homes are constructed we estimate two vehicles per household will result in 2400 vehicles additional vehicles which would affect both air quality and increased traffic.

E-1 4. There are problems now with flushing our present lagoons to prevent siltation of the lagoons and Novato Creek. The proposed development with its peninsular homes,we think would be extremely detrimental to our water quality and contribute to more and swifter siltation.

These are our major concerns and we ask that you consider them when deciding the merits of the application for Bel Marin Keys Unit Five.

Herman and Alforetta Bottini

Herman and Alforetta Bottini
160 Montego Key
Novato, Ca., 94949

CC: Supervisor Brady Bevis
Dr. Susan Ryan, U.S. Corps of Engineers
B.M.K. Planning Advisory Board

PB (12-2-92)

ATTACHMENT J.

C.288

MR TIM HADDAD
MARIN COUNTY PLANNING
3501 CIVIC CENTER DRIVE
SAN RAFAEL, CA. 94903

RECEIVED BY
PM 3-20
MARIN COUNTY
PLANNING DEPT.

ALT-5

THIS IS IN RESPONSE TO DEL MARIN KEYS UNIT
MASTER PLAN / REZONING

O-1

MY WIFE AND MYSELF ARE TOTALLY AGAI
THIS "DEVELOPEMENT" ON THE BASIS OF
FOLLOWING FACTS:

1- OUR MARIN COUNTY IS OVER POPULATED
WITH PEOPLE AND WHAT THEY REQUIRE, I
HOUSE, YARDS, SCHOOLS, PARKS, PLAYGROUNDS
CN FIRE AND POLICE PROTECTION, SHOPPING
CENTERS, HOSPITALS, ETC. THE LIST IS ENDL

2- THE ITEMS ABOVE RESULT IN MORE AUTO
TRAFFIC, MORE SMOG, MORE CRIME AND A
ALT-5 TAXES FOR ALL PROPERTY OWNERS, THAT WI
HAVE TO PAY FOR ANY SHORTFALLS RESULT
FROM THIS MAMMOUTH DEVELOPEMENT. WE
WANT OUR COUNTY TURNED INTO A CITY.

3- THE 1610 ACRES INVOLVED IS A PART TIME
B-1 SWAMP, I KNOW SINCE I SHOT MANY DUCKS
B-5 THERE. WE SHOULD NOT DRY UP THIS, ONE O.
THE FEW MARSHES LEFT IN MARIN. I WOU.
PREFER THE COUNTY TO BUY THIS ACRE AG

ATTACHMENT k

C.289

PB-85

FOR "OPEN SPACE"

4- DONT BE "SUKERED" BY THE "GOODIES" OFFERED
SUCH AS, 200 BERTH MARINA, RESTAURANT,
LAGOONS AND FERRY SITE. THE PROMISE OF
"AFFORDABLE UNITS" IS USING POOR BUSINESS
SENSE, SINCE "AFFORDABLE" IS NEVER
RENDERED IN DOLLAR AMOUNTS. USING THE
BASIS THAT THESE LOTS WOULD COST ABOUT
$100.000.00 ANY HOUSE BUILT THEREON,
SHOULD COST, AT LEAST $300.000.00 IS THIS
AFFORDABLE? WE DONT THINK SO. AFFORDABLE
HOUSES ARE IN SONOMA OR NAPA COUNTIES.

PLEASE DONT THINK WE ARE HEARTLESS, BUT
CN WE DONT THINK IT IS FAIR TO ACCOMODATE
"OUTSIDERS" TO THE DETRIMENT OF THOSE OF
US THAT CAME HERE MANY YEARS AGO TO
"ENJOY" THE PEACE AND SPACIOUSNESS OF
MARIN.

YOURS TRULY AND FAIRLY

PETER FRASCHINI

Oct 27, 1992

PB-86

Marin County planning Dept
2501 Civic Center Drive
San Rafael, Ca 94903

RECEIVED BY
MAR OCT 30 8A 11:45
MARIN COUNTY
PLANNING DEPT.

Attention: Mr. Tein Haddad

Dear Mr Haddad,

My family and I have been resided in the Bel Marin Keys community since 1975. We love the surrounding and the neighborhood very much.

The Unit II will be the last of the master plan for the Bel Marin Keys community development, but certain important measures has been overlooked such as the planning for perfecting the traffic conjestion which might C-10 impose on Bel Marin Key Blvd within the residential area and the density of the coop Development.

ALT-5 I suggest a less dense development and
C-2 a additional access for Bel Marin Key Blvd for the new Unit II.

Thank you for your attention.

Respectfully yours

Robert Jung
1126 Bel Marin Key Blvd
Novato, Ca 94949

C.290

October 27, 1992

Marin County Planning Commission
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RECEIVED BY
1992 OCT 29 P 2:48
MARIN COUNTY
PLANNING DEPT.

Dear Mr. Haddad:

We would like to offer several comments on the proposed development of Bel Marin Keys Unit V and the BMK DEIR/DEIS.

ALT-5 1. The project is too big and cannot be sustained in this confined space and sensitive environment. The comments by the USEPA (letter dated October 9, 1992) clearly indicate that the project as planned does not adequately mitigate significant environmental impacts. It is inconsistent with the BAAQMD Clean Air Plan and the federal Clean Air Act, the federal Clean Water Act and the Farmland Protection Policy Act. The only way to reduce those threats and conform to existing environmental and open space plans and laws is to move to a significantly reduced size alternative, or not build the project at all.

ALT-5 GEN-3 2. The currently proposed design posses major water quality, traffic and safety problems. Water quality cannot be maintained with the large proposed water areas. The increased traffic cannot be handled by the existing service roads without massive gridlock and degradation of air quality. There is no guarantee that the proposed secondary access road will even be built. Even if a ferry service was to be started from Port Sonoma (which is problematic at best), it would have no significant impact on the commuting habits of the BMK residents given the existing road and transit services. The greater public exposure to homes and property because of the current design and enlarged water area will decrease safety and increase crime. The small water area available for sailing or water skiing is insufficient to allow safe boating, and unfairly places the burden for most all water recreation activities onto the existing BMK lagoons.

ALT-5 3. The environment will not be protected; valuable open space and farm land will be eliminated. According to the DEIS, air emissions would raise ambient air quality concentrations and delay attainment of air standards. The proposed managed mudflat offered as an alternative habitat for birds and fish will not work according to USEPA. The project does not propose an adequate water quality monitoring program; nor does it contain measures to manage non-point source runoff that could threaten coastal waters. This project will result in irreversible lose of valuable natural resource lands. The full extent of the daily disruption and stress created from dirt, noise and traffic for 9 years of construction has not been adequately characterized in the DEIS.

ALT-5 4. This project is inconsistent with the quiet, exclusive residential environment of the present community. Commercial and recreation facilities already exist close by or can be easily accommodated within the existing industrial park. This feature of the plan will change the unique character of Bel Marin Keys in a negative way forever.

ALT-5 The proposed design for Unit V is fatally flawed. It continues the "build or bust" mentality that has plagued California over the last 10-20 years. We see significant disadvantages: not enough water area; over crowding; more traffic; daily disruptions due to construction; reduction in open space and wetlands; degradation of the environment; changes in the character of the community; and a poorer life style. We see few advantages. The County should not be steamrolled by ambitious developers whose primary motive is to make as much money as possible by creating the next South Bay here in Novato, with continuous houses, traffic, people and all the associated environmental, crime and over-growth problems. If there must be development around BMK, which we do not believe is inevitable, at least let it be planned properly and compatible with the present community. We are against explosive growth and negative change. We are against this plan and recommend a much less ambitious, scaled down version if development must occur at all.

Thank you for the opportunity to comment on the BMK Unit V development and DEIR/DEIS.

Sincerely,

Donald C. White
Mathilde S. White
64 Bahama Reef
Novato, CA 94949

cc: BMKCSD; Army Corps of Engineers

C.291

ATTACHMENT m.

PB-87

PB-88

October 28, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

We are residents and homeowners of Bel Marin Keys. We believe the EIR/EIS is inadequate in addressing the impact of the proposed Unit 5 on police protection of both the proposed Unit 5 development and the existing Bel Marin Keys community. Since we are in an unincorporated area we are under the jurisdiction of the Marin County Sheriff and we have written to the sheriff's office requesting their review and response of the manpower required to adequately patrol and respond to the needs of the community.

We believe the addition of 1,190 units as proposed for Unit 5 will have significant impact on the resources available for policing the Bel Marin Keys community. We request that the EIR/EIS address the following issues with input from the Marin County Sheriff's office:

- What would be the required manpower to service both this proposed community and the existing Bel Marin Keys community?
- What would be the emergency response time to this proposed community and the existing one compared to the current standards of police departments?

J-8

- How would this response time differ from what we have now for the existing Bel Marin Keys community?
- How many patrols does the sheriff's office have now for the existing community? How many would the sheriff's office need to adequately protect both the proposed community and the existing community?

C.292

PB-88

N-6

- What would be the departmental budget impact on the sheriff's office for these increased services?

J-8

- What would be the anticipated increase in the crime rate in this area with the addition of the proposed 1,190 units and commercial development?

We request a continuance of the public hearing period to allow time for the Marin County Sheriff's office to review the EIR/EIS and respond to the issues. We are attaching a copy of our letter to the sheriff's office which lists several of the key issues.

Sincerely,

Glen and Merry Atherigi

21 Bahama Reef
Bel Marin Keys
Novato, CA 94949

Enc.

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

October 28, 1992

Sheriff Charles Prandi
Marin County Sheriff's Office
3501 Civic Center Drive
Room 167
San Rafael, CA 94901

Dear Sheriff Prandi,

We are homeowners and residents in Bel Marin Keys. We are writing to you about the proposed Unit 5 development, which would add 1,190 homes plus commercial development on the land adjacent to our existing Bel Marin Keys community.

We request a response from your office of the requirements to adequately service this proposed community as well as the existing Bel Marin Keys. The following issues require your input so this project can be evaluated:

- What would be the required manpower to service both this proposed community and the existing one?
- What would be the emergency response time to this proposed community and the existing one compared to the current standards of police departments?
- How would this response time differ from what we have now for the existing community?
- How many patrols do you have now for the existing community? How many would you need to adequately protect both the proposed community and the existing community?
- What would be the departmental budget impact for these increased services?
- What would be the anticipated increase in the crime rate to this area with the addition of the proposed 1,190 units and commercial development?

Please send your response in writing to Mr. Tim Haddad of the Marin County Planning Department and to us for presentation at public hearings.

We have appreciated your service to our existing community and we are very uncomfortable that your advice and comments have not been included in the County Planning Department's review of this project. We feel your input is essential.

Sincerely,

Glen and Merry Alberigi
21 Bahama Reef
Bel Marin Keys
Novato, CA 94949

cc: Mr. Tim Haddad, Marin County Planning Department

Jane Co.

PB-89

RECEIVED BY
'92 NOV -5 P 1:43
MARIN COUNTY
PLANNING DEPT.

October 28, 1992

Marin County Planning Department
Attn: Mr. Tim Haddad
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dear Mr. Haddad:

This letter is to comment on the proposed Bel Marin Keys (BMK) Unit V Master Plan/Rezoning project and express my concerns as a current resident of Bel Marin Keys.

C-10 The Draft EIR/EIS does not adequately address the impact of the additional traffic from the project on the only vehicular access road to the existing BMK development. What is the impact of the proposed perimeter road intersecting BMK Blvd.? Exactly where will the perimeter road intersect BMK Blvd.? The drawings in the DEIR indicate it will intersect in the vicinity of Headquarters Hill; however, this property is to be sold back to the Jack West family. If this happens, where will the road go? The only other alternative looks like Pacheco Pond which was established for flood control and mitigation for construction of the industrial park.

C-2 J-10 The DEIR contains drawings on a proposed McInnis Parkway connecting Rowland Blvd. to the north with the San Rafael Civic Center to the south and the developer's proposal for McInnis Parkway connecting the perimeter road to Hamilton Field. These drawings look like McInnis Parkway goes over Pacheco Pond and through Hamilton Field. This could involve runway easements and significant toxic cleanup costs. Additional analysis should be done to assess the likelihood of either road being constructed and the resultant impacts on the proposed development and the current residents of Bel Marin Keys Units I-IV.

C-2 A second access road should be considered as a requirement before the project is developed. The disruption of heavy construction equipment on the one access road could pose a significant danger to BMK residents in case of a disaster, toxic spill, failure of the bridge at Pacheco Pond, etc. The need for this road and the impacts on the current and proposed development were inadequately covered in the DEIR.

C-1 The DEIR considers the proposed Sonoma Ferry as mitigation for the Unit V project. It's doubtful residents of BMK would travel north in order to board a ferry to travel south. The planned

C.294

C-1 operation of one run each in the morning and afternoon would make it even more doubtful this could be a continuing, profitable operation. Furthermore, I understand Sonoma County does not support this ferry operation. If this is true, it should be removed as a mitigation item for the project in the final EIR.

J-1 Several issues involve the waterways and the lagoons. The DEIR indicates the new project waterways will be restricted. This will significantly increase boat traffic on the existing lagoons in Units III and IV. Also, the issue of safety hasn't been adequately addressed. The existing lagoons are already crowded handling the boat traffic from approximately 400 homes. How can these lagoons possibly handle the additional boat traffic that will be generated by 1190 new homeowners? Why should current homeowners have to suffer as a result of the new development? Consideration should be given to creating separate lagoons for Unit V or requiring sufficient waterways within Unit V to accommodate their boat traffic.

ALT-1 ALT-3 The DEIR considers several on-site and off-site alternatives. However, several of these, which appear to be better alternatives, are not developed to the same degree of detail as the proposal. There are no schematics, maps or diagrams for the Mitigated Alternative. How can a reviewer determine if this alternative is superior to the proposal? One cannot determine the street layout, whether or not the perimeter road exists and, if it does, where it starts and ends, where the homes and ski areas are, and where the golf course is located.

ALT-4 All alternatives should be developed to the same degree of detail. Also, I suggest more information be developed to determine the feasibility of locating the retail commercial facilities off-site, possibly within the BMK Industrial Park. Also, further analysis of the need for an 18 hole golf course should be done. I question the advisability of locating a golf course in the midst of a water-oriented community and so close to the proposed Renaissance Estates golf course.

O-1 I also question the appropriateness of building affordable and senior housing on environmentally sensitive/waterfront property. One normally finds this type of housing conveniently located to shopping and public transportation. This type of housing appears to have been included to justify the requested zoning changes and the commercial center.

PB-89

Marin County Planning Commission

A-1 Lastly, I feel the conclusions of the Environmental Assessment (EA) completed in 1990 should be included in the final EIR. The EA designated the area as basically unsuitable for development and indicated it should remain in bayfront preservation and agricultural use. The final EIR should state the extent to which the proposed project and the various alternatives address the concerns and issues identified in the EA and the mitigation that would be required.

I hope you will take these concerns into account when making your decision. Other issues have been proposed by the Bel Marin Keys Community Services District and I ask that you give careful consideration to their comments as well.

Sincerely,

Betty A. Colby

Betty A. Colby
25 Caribe Isle
Novato, CA 94949

C.295

PB-90

RECEIVED BY
1992 OCT 30 A 11: 31

October 28, 1992

MARIN COUNTY
PLANNING DEPT.

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Commission
3501 Civic Center Drive, Room #308
San Rafael, CA 94903-4157

RE: BEL MARIN KEYS PROPOSED UNIT V

Dear Mr. Haddad:

C.296

As a resident of Bel Marin Keys for the past three and a half years, my husband and I are making an impassioned plea and strongly urge you to consider the ill effects of Unit V. The Environmental Assessment has clearly stated that *"The entire [Unit 5] site is within the historic marshland and in agricultural use"* and *"EA authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use."* Why, then, when we have the opportunity to save a precious bit of land for our world today and for the future would we dare jeopardize it?? The damage to the environment will be irreversible and the wildlife that inhabits this area may be lost at best and obliterated at worst.

A-1

B-5

We do not want to look out of our windows every day to see a massive subdivision. We now look out at a field and that is precisely why we moved to this area, and this home, in the first place. Marin is known as a very beautiful place to live. We do not want another L.A.? The property values will go down as a result of de-beautifying the land, taking away the pleasant views and creating a noisy, potentially much more dangerous and overpopulated subdivision. The whole plan is not well thought out as there are many problems which have been left unanswered. We appeal to you to think this through carefully.

ALT-5
GEN-3

The following issues are among the many that are not adequately addressed in the EIR/EIS Report:

- **Environment** -- It is quite clear that there would be a detrimental effect to all wildlife concerned as well as the present human population due to the increased noise and pollution levels (by land and sea), traffic congestion (both by car and boat), destruction of pleasant views, flooding disasters, security/crime problems, etc.

GEN-3

ATTACHMENT u.

- **Road Traffic** -- There has been no approval for a new access road currently in the plans and there must be; the result would be gridlock.

C-2

- **Boat Traffic** -- According to the current plan there could be approximately 1,000 new groups of people boating and creating high noise and pollution levels, making the present waterways lethal and damaging the banks of the canal.

J-1

- **Community Value** -- Proposed Unit V devalues our entire community, yours and ours.

ALT-5

Proposed Unit V is poorly planned and if implemented would harm both the wildlife and human populations creating an irrevocable imbalance. Please do not allow Venture Corp. to threaten our community in this way. The results of Proposed Unit V would be dreadful. This project must be stopped now, before it is too late.

Thank you for your attention and consideration. I look forward to hearing from you with regard to Proposed Unit V.

Sincerely yours,

Leslie & Franco

Leslie and Franco De Palo

Leslie E. De Palo
Independent Associate
89 Bahama Reef
Novato, CA 94949

right of the return

GEORGE W. DEPUY
SHARON F. DEPUY

RECEIVED BY
1992 OCT 30 A 10:34

1122 Bel Marin Keys Blvd.
Ignacio, CA 94949
(415) 382-8937

MARIN COUNTY
PLANNING DEPT.

October 28, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

C.297

Re: Unit 5 Development, Bel Marin Keys

Dear Mr. Haddad,

We are opposed to further development at Bel Marin Keys, the former tidelands of San Pablo Bay for the following reasons:

C-10 C-8 C-9 1. We chose to live in Bel Marin Keys because it is situated away from large metropolitan areas with heavy traffic and pollution problems. The traffic impact on the present population will turn Bel Marin Keys into a metropolitan area. The plan lacks adequate roadways and circulation of car and truck traffic.

B-5 E-1 2. Lagoon water quality cannot be maintained with narrow waterways and lack of circulation, thereby destroying the fish hatchery in Bel Marin Keys as well as endangering the health of swimmers.

B-5 3. Migratory wild fowl will not be afforded the range of feeding, nesting and escape available now.

E-2 4. These former tidelands are subject to flooding by dyke failure caused by earthquake, siltation and other natural causes.

N-2 5. The County Government costs to support this addition to our community and the additional population WILL EXCEED ANY TAX BASE INCREASE.

ATTACHMENT

PB-91

Bel Marin Keys should be the kind of community where families and wildlife can live in peaceful coexistence. The proposed development of Unit 5 is contrary to the desired purpose of Bel Marin Keys specifically and of Marin County in general.

Thank you.

Sincerely,

George W DePuy
George W. DePuy

Sharon F. DePuy
Sharon F. DePuy

PB-92

October 28, 1992

Marin County Planning Commission
Attn: Mr. Tim Haddad
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RECEIVED BY
1992 NOV -2 P 1:03

Dear Mr. Haddad:

MARIN COUNTY PLANNING DEPT.

This letter is to comment on the proposed Bel Marin Keys Unit V Master Plan/Rezoning project on which you held hearings on September 14, 1992. I have owned my residence in Unit III since it was built and am concerned that the quality of life which I and my neighbors currently enjoy will be jeopardized if Unit V is constructed as proposed.

C-2 Bel Marin Keys Blvd. is already at capacity during the evening commute because of traffic from the industrial park, yet this roadway will be the only vehicular access to the existing and the planned community. It is essential that the proposed Unit V have a separate access road. I understand a separate access road through the Hamilton Field property is planned. However, no approvals have been obtained. It is absolutely essential that this second road be built and in operation before any development of Unit V begins. The EIR/EIS must address this issue.

E-1 E-5 J-1 Comments in the Draft EIR/EIS strongly suggest that new residents will not be able to boat or ski in their own backyard and will use the existing lagoons. This will add greatly to the congestion, foul water quality, and lack of safety on the existing lagoons. The amount of boat traffic that will be generated from the addition of 1190 homes will lead to unsafe water conditions and may ultimately result in boating restrictions on the existing lagoons. Current homeowners should not be penalized to accommodate this project.

N-1 What are the real costs of the proposed amenities (marina, golf course, etc.) and the additional dredging and disposal of soil? How much will this new development and resultant maintenance expenses cost the existing homeowners of Bel Marin Keys?

Further analysis of these issues should take place before the Draft EIR/EIS is finalized.

Sincerely,

Virginia Hobbs

Mrs. Virginia Hobbs
28 Bahama Reef
Novato, CA 94949

C.298

(12)

ATTACHMENTec

PB-93

44 Bahama Reef
Novato, CA 94949
October 28, 1992

RECEIVED BY
1992 OCT 29 A 10:24

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

MARIN COUNTY PLANNING DEPT.

Dear Mr. Haddad,

As residents of the Bel Marin Keys area for the past nine years, we feel the need to express our strong opposition to the proposed Unit 5 Development.

ALT-5 The addition of 1190 new homes and commercial property would nearly triple the size of our community. We feel that this project is too large and would change the character of our community.

E-1 We feel that the water quality in our lagoons could be adversely affected due to increased use and wonder if our current flushing system would continue to be effective.

B-5 Unit 5 would disrupt the feeding and nesting grounds of many local and migratory birds.

C-6 C-10 F-6 We are concerned about the increased traffic both in Bel Marin Keys and also along Highway 101. How would increased car and boat traffic affect air quality?

These are just a few of our concerns. We are opposed to this project and hope that it will be totally defeated.

Sincerely,

Filippo LoCoco

Amelia Lo Coco

PB
(13)

ATTACHMENT p.

1120 Bel Marin Keys Blvd.
Novato, CA 94949
October 28, 1992

RECEIVED BY
1992 OCT 29 A 10 24

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

MARIN COUNTY
PLANNING DEPT.

Dear Mr. Haddad,

As residents of the Bel Marin Keys area for the past nine years, we feel the need to express our strong opposition to the proposed Unit 5 Development.

ALT-5 The addition of 1190 new homes and commercial property would nearly triple the size of our community. We feel that this project is too large and would change the character of our community.

C-6
C-10
F-6 We are concerned about the increased traffic both in Bel Marin Keys and also along Highway 101. How would increased car and boat traffic affect air quality?

E-1 We feel that the water quality in our lagoons could be adversely affected due to increased use and wonder if our current flushing system would continue to be effective.

B-5 Unit 5 would disrupt the feeding and nesting grounds of many local and migratory birds.

These are just a few of our concerns. We are opposed to this project and hope that it will be totally defeated.

Sincerely,

Lisa LoCoco
Lisa LoCoco

Nicola LoCoco

C.299

October 28, 1992

RECEIVED BY
1992 NOV -2 P 12:59

Marin County Planning Commission
Attn: Mr. Tim Haddad
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

MARIN COUNTY
PLANNING DEPT.

Re: Bel Marin Keys Unit V

Dear Mr. Haddad:

This letter is to comment on the proposed Bel Marin Keys Unit V Master Plan/Rezoning project on which you held hearings on September 14, 1992. We have owned our residence in Unit III since it was built and are concerned that the quality of life which we and our neighbors currently enjoy will be jeopardized if Unit V is constructed as proposed.

C-2 Bel Marin Keys Blvd. is already at capacity during the evening commute because of traffic from the industrial park, yet this roadway will be the only vehicular access to the existing and the planned Unit V community. Further analysis should be conducted to evaluate the need for a second access road to Unit V and construction of the access road should be required before the project proceeds.

J-1
E-1
E-5 Comments in the Draft EIR/EIS strongly suggest that new residents will not be able to boat or ski in their own backyard and will use the existing lagoons. This will add greatly to the congestion, foul water quality, and lack of safety on the existing lagoons. The amount of boat traffic that will be generated from the addition of 1190 homes will lead to unsafe water conditions and may ultimately result in boating restrictions on the existing lagoons. Current homeowners should not be penalized to accommodate this project.

Further analysis of these issues should take place before the Draft EIR/EIS is finalized.

Sincerely,

Edward G. Moreci Penny A. Moreci

Mr. and Mrs. Ed Moreci
12 Bahama Reef
Novato, CA 94949

(139)

PB-96

C.300

RECEIVED BY
1992 OCT 30 A 11:43
MARIN COUNTY
PLANNING DEPT.

Bel Marin Keys
2?? Bahama Reef
October 28,1992

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street,Room 802
San Francisco, Ca. 94949

Dear Dr. Ryan,

As residents of Bel Marin Keys, we are writing to express our concerns about the following items which we believe must be included in the EIR/EIS for the Bel Marin Keys proposed Unit 5 development.

ENVIRONMENTAL ASSESSMENT

The final EA for Bel Marin Keys Unit 5 was completed July 20,1990. The summary stated "The entire site is within the historic marshland and in agricultural use (many policies favor protecting such areas). Therefore the EA designated the entire area as unsuitable for development and should remain in bayfront preservation and in agricultural use."

A-1 We feel that the EIR/EIS should include a summary of the EA, and address its findings. It should state with which it agrees, and with which it disagrees, and to what extent both the proposed project and the Mitigated Project Design explicitly address the issues raised in the EA.

WATER QUALITY

E-1 The EIR must address the lagoon water circulation and flushing characteristics. Not only is there concern about the lack of adequate circulation near boat ramps and in inlets,and with the proposed street layouts. Any design which adds hundreds of acres of addidtional lagoon waters raises concerns about the ability to adequately flush the lagoons within the time frame of the tides. Novato Creek may not be able to handle the water volume and velocity necessary to maintain water qulaity in the lagoons or the scouring of the creek channel with the addition of the proposed new lagoons.

E-6

FISCAL IMPACT

N-1 The DEIR/EIS does not adequately address the fiscal impact of the addition of Unit 5. What will be the internal operation costs to the CSD in the routine management of the community? What will be the costs of dredging and flushing of the lagoons and the creek? What will be the costs of landscaping, maintaining water quality, locks, wildlife habitats? What

N-1 will be the costs of monitoring and maintaining street lights, locks, levees, parks and all public areas. How will these costs be funded?

TRAFFIC

C-2 The EIR does not adequately address the issue of traffic and access to BMK. BMK Blvd.is the only road in to the current and proposed community. What will be the impact on the community of floods,earthquake, or other emergencies with the addition of traffic from 1200 additional homes?

C-13

C-2 The reccommended "connector Road" from Hamilton must be guaranteed prior to commencement of any Unit 5 construction.

C-5 The traffic impact of the BMK industrial park must take into consideration the full occupancy of any existing or proposed commercial buildings.

C-1 The EIR should address the adequacy of traffic mitigation supposedly coming from the Port Sonoma Ferry, given that only One run is proposed in the morning and one in the evening. Also the EIR should address the fact that Sonoma County has put in writing their objections to a commuter ferry out of Port Sonoma.

ENVIRONMENT

A-2 The proposed project requires radical and permanent change to the existing environment. Since the area is within the Bayfront Conservation Zone, it should still have significant agriculture. The wetland and habitat areas should not be greatly modified, yet 12,900,000 cubic yards of earth would be disturbed. The proposed wildlife habitat will be created at the expense of hundreds of acres of existing open space in the form of historic diked farm and marshland. This impact as noted in the EIR/EIS,cannot be fully mitigated.

B-4

B-9 The EIR/EIS should discuss the time frames in which the environment will be fully rehabilitated and when wild life would return to the site, if ever.

PROJECT SCOPE

ALT-5 The size of this project will more than double the size of the BMK community.What will be its impact on Northern Marin County, not only by itself, but what will be its cumulative impact on traffic, environment, safety, air quality when

CUM-1 considered in conjunction with other proposed projects in the

CUM-1 | immediate vicinity:Vintage Oaks,Hamilton Field, Renaissance Estates. The EIR must address the cumulative impact of all these projects, not just Unit 5 in isolation.

In summary, we would like to say that we are gravely concerned by these and many other issues that Unit 5 raises.

Please be aware that we are not alone in our concerns about the quality of life in Bel Marin Keys as a result of the proposed Unit 5 project. Please insure that they are adequately addressed in the final EIR.

Thank you.

Sincerely,

Marge Roome Peter Roome

cc. Bel Marin Keys CSD

PB-97

C.302

Bel Marin Keys
[illegible] Bahama Reef
October [illegible],1990

Mr. Tim Haddad,Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dear Mr. Haddad;

As residents of Bel Marin Keys, we are writing to express our concerns about the following items which we believe must be included in the EIR/EIS for the Bel Marin Keys proposed Unit 5 development.

ENVIRONMENTAL ASSESSMENT

A-1 The final EA for Bel Marin Keys Unit 5 was completed July 20,1990. The summary stated "The entire site is within the historic marshland and in agricultural use (many policies favor protecting such areas). Therefore the EA designated the **entire area as unsuitable for development and should remain in bayfront preservation and in agricultural use.**"

We feel that the EIR/EIS should include a summary of the EA, and address its findings. It should state with which it agrees, and with which it disagrees, and to what extent both the proposed project and the Mitigated Project Design explicitly address the issues raised in the EA.

WATER QUALITY

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E-6 may not be able to handle the water volume and velocity necessary to maintain water qulaity in the lagoons or the scouring of the creek channel with the addition of the proposed new lagoons.

FISCAL IMPACT

N-1 The DEIR/EIS does not adequately address the fiscal impact of the addition of Unit 5. What will be the internal operation costs to the CSD in the routine management of the community? What will be the costs of dredging and flushing of the lagoons and the creek? What will be the costs of landscaping, maintaining water quality, locks, wildlife habitats? What will be the costs of monitoring and maintaining street lights, locks, levees, parks and all public areas. How will these costs be funded?

N-1

TRAFFIC

C-2 C-13 The EIR does not adequately address the issue of traffic and access to BMK. BMK Blvd.is the only road in to the current and proposed community. What will be the impact on the community of floods,earthquake, or other emergencies with the addition of traffic from 1200 additional homes?

C-2 **The reccommended "connector Road" from Hamilton must be guaranteed prior to commencement of any Unit 5 construction.**

C-5 The traffic impact of the BMK industrial park must take into consideration the full occupancy of any existing or proposed commercial buildings.

C-1 The EIR should address the adequacy of traffic mitigation supposedly coming from the Port Sonoma Ferry, given that only One run is proposed in the morning and one in the evening. Also the EIR should address the fact that Sonoma County has put in writing their objections to a commuter ferry out of Port Sonoma.

ENVIRONMENT

A-2 B-4 The proposed project requires radical and permanent change to the existing environment. Since the area is within the Bayfront Conservation Zone, it should still have significant agriculture. The wetland and habitat areas should not be greatly modified, yet 12,900,000 cubic yards of earth would be disturbed. The proposed wildlife habitat will be created at the expense of hundreds of acres of existing open space in the form of historic diked farm and marshland. This impact as noted in the EIR/EIS,cannot be fully mitigated.

B-9 The EIR/EIS should discuss the time frames in which the environment will be fully rehabilitated and when wild life would return to the site, if ever.

PROJECT SCOPE

ALT-5 CUM-1 The size of this project will more than double the size of the BMK community.What will be its impact on Northern Marin County, not only by itself, but what will be its cumulative impact on traffic, environment, safety, air quality when considered in conjunction with other proposed projects in the

CUM-1 immediate vicinity:Vintage Oaks,Hamilton Field, Renaissance Estates. The EIR must address the cumulative impact of all these projects, not just Unit 5 in isolation.

In summary, we would like to say that we are gravely concerned by these and many other issues that Unit 5 raises.

Please be aware that we are not alone in our concerns about the quality of life in Bel Marin Keys as a result of the proposed Unit 5 project. Please insure that they are adequately addressed in the final EIR.

Thank you.

C.303

Sincerely,

Marge Roome Peter Roome

cc. Bel Marin Keys CSD

October 28, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

I am writing to you with my concern about the proposed Unit 5 at Bel Marin Keys in Novato.

C-8 The Draft EIR/EIS insufficiently examines the effects of traffic from the proposed Bel Marin Keys Unit 5, Hamilton Airforce Base, the industrial park, and any other development planned in the area. I request that the EIR/EIS evaluate the cumulative affects on traffic on Bel Marin Keys Boulevard and at the Highway 101 interchange.

Sincerely,

Denise Stirrup
1132 Bel Marin Keys
Novato, CA 94949

PB
(1 of 1)

RECEIVED BY
1992 OCT 30 P 1:41
MARIN COUNTY
PLANNING DEPT.

October 28, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dear Mr. Haddad:

C-304

As a new resident and homeowner in Bel Marin Keys, I have serious concerns about the proposed Unit 5 development. In the final draft of the EIR/EIS, please consider further, and in more detail, the following issues.

B-5 B-9 1) WILDLIFE ENVIRONMENT. What will be the impact of many years of construction development on our birds and fish? Destruction of wildlife habitat (even if it is later replaced)? Construction run off to the lagoons, ie. chemicals from paint, glues, and later landscaping fertilizers and pesticides? (The Herons nest and feed in our Bel Marin Keys area, and are esspecially sensitive to noise and movement. Even seemingly minor disruption causes the parent Herons to abandon their eggs.)

J-1 2) WATER SAFETY. I live on a lagoon that is frequently used for water skiing. Even with the current number of homes in Bel Marin Keys, we often have more than a safe number of boats using the lagoons. With essentially no new usable water provided by Unit 5, how can we possibly maintain any kind of safe boating with the influx of new boaters from Unit 5?

C-2 C-13 3) TRAFFIC AND ACCESS. Currently we have only Bel Marin Keys Boulevard in and out of our community. Even with a high number of vacancies in the BMK Business/Industrial Park, we have serious traffic congestion in the mornings and evenings (people coming and going from work). Unit 5 proposes roads through Hamilton and also to Highway 37, neither of which have been approved or appear to have any likelyhood of being approved soon. The EIR/EIS must address how we can have reasonable, and not additionally congested, access to and from our homes. A more serious concern is emergency vehicle access, ie Police, Sheriff, Fire, and Paramedics.

Though I have many other concerns, I appreciate the opportunity to comment on these highlights.

Sincerely,

Katrina Von Staden

Katrina Von Staden
1094 Bel Marin Keys Blvd.
Novato, CA 94949

cc: Supervisor Brady Bevis

ATTACHMEN

8. Individuals - Letters PB-100 to PB-199 [redacted]

Tatl

PB-100

October 29, 1992

RECEIVED BY
1992 NOV -3 P 3:46
MARIN COUNTY
PLANNING DEPT.

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

I am writing to you with my concern about the proposed Unit 5 at Bel Marin Keys in Novato.

A-1 The Summary in the Final Environmental Assessment (EA), dated July 20, 1990, stated "The entire site is within the historic marshland and in agricultural use (many policies strongly favor protecting such areas). Therefore, the EA authors have DESIGNATED the ENTIRE AREA as basically UNSUITABLE FOR DEVELOPMENT and should remain in bayfront preservation and in agricultural use."

This EA was APPROVED by the PLANNING COMMISSION and the BOARD OF SUPERVISORS. County policy states the EA is to be the basis for an EIR. Why does the DEIR/S not come to the same conclusion?

Please include this in the EIR/EIS. Thank you very much.

Sincerely,

Shirley Graves

Shirley Graves
150 Woodland Avenue
San Anselmo, CA 94960

C.305

PB-101

Bernard Jacobs, PhD.
142 Del Oro Lagoon
Novato, CA 94949

RECEIVED BY
1992 OCT 30 A 11:45
MARIN COUNTY
PLANNING DEPT.

October 29, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RE: Draft EIR for Proposed Unit 5, Bel Marin Keys, Novato, CA

Dear Mr. Haddad,

I am a homeowner and have been a resident of Bel Marin Keys for 5 years. Bel Marin Keys is a water community and many of us reside here for that reason. The proposed development of Unit 5 will affect all of us in a negative manner and destroy the lifestyle and reason for our locating here.

GEN-3 Unit 5 will have a detrimental impact on the security, traffic and access, flood control etc. of our community. I do believe that the main impact and one not adequately covered by the EIR/EIS would be Unit 5's impact on the environment.

E-1 We already have appreciable stagnation of our lagoons with the build up of various pollutants. Increasing the homes to 1200 will only exacerbate the problem. Hamilton Field has a rather serious environmental problem due to the considerable dumping of various environmental pollutants during its tenure as a military base. During heavy rains those pollutants are released and flow into the fields surrounding Hamilton. All the proposed plans for Unite 5 show the runoff from Hamilton going into the new lagoons. Many of our residents including our pets swim in the lagoons during the summer. We all also live in close proximity to the lagoons. Any increase in pollutants would seriously affects the health and well being of all the Bell Marin residents.

E-8
J-10

I believe that serious thought be given to the above matter in your consideration of allowing Unit 5 to proceed. With all the negative factors considered it would pose a serious liability to the county to proceed with Unit 5.

Sincerely,

Bernard Jacobs, Simone Jacobs

Bernard Jacobs PhD and Simone Jacobs

PB
(147)

ATTACHMENT 7

PB
140

PB-102

October 29, 1992

RECEIVED BY
1992 OCT 30 P 1:41
MARIN COUNTY
PLANNING DEPT.

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dear Mr. Haddad:

I have been a resident of Marin County for nine years now. I moved to Marin after fifty five years in Southern California. I did this to escape the seemingly endless urban sprawl over Southern California. Our Planning Commissioners and County Supervisors have the opportunity to carefully preserve our remaining wetlands, ridgetops, agriculture, and other sensitive wildlife habitats.

B-9 I am especially upset about the proposed Unit 5 of Bel Marin Keys in Novato. At best, the EIR/EIS says that the project would take around nine years in construction. Even if the proposed "re-established wetlands and open space are completed, how can we expect our local and migratory birds to recover from the disruption of their feeding and nesting rounds. My guess is that they never will.

Please consider in the final draft of the EIR/EIS the long range effects of nine plus years of development on the many birds who make the Unit 5 area their home. Replacing wildlife habitat will be of little use, if in the process, the wildlife is wiped out.

Please do not allow our beautiful and very special Marin County to become "L.A. North".

Sincerely,

Elizabeth S. Lang

Elizabeth S. Lang
15 Corinthian Court #22
Tiburon, CA 94920

cc: Supervisor Al Aramburu

C.306

ATTACHMENT

PB-103

Susan Ristow
677 Peach Street
Novato California 94945
415-898 1185

October 29, 1992

Mr. Tim Haddad
Environmental Coordinator
3501 Civic Center Drive
San Rafael Ca 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street
San Francisco Ca 94105

Re: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

I am writing to you with my concern about the proposed Unit 5 at Bel Marin Keys in Novato.

C-8 The Draft EIR/EIS insufficiently examines the effects of traffic from the proposed Bel Main Keys Unit 5, Hamilton Air Force Base, the industrial park and any other development planned in the area. I request that the EIR/EIS evaluate the cumulative effects on traffic on Bel Marin Keys Blvd. and at the Highway 101 Interchange.

Sincerely

Susan Ristow

MARIN COUNTY
PLANNING DEPT.

RECEIVED BY
1992 NOV -4 A 11:38

PB
(150)

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

I am a resident and homeowner of Bel Marin Keys. I believe the EIR/EIS is inadequate in addressing the impact of the proposed Unit 5 on police protection of both the proposed Unit 5 development and the existing Bel Marin Keys community. Since Bel Marin Keys is in an unincorporated area it is under the jurisdiction of the Marin County Sheriff.

C.307

I request that the EIR/EIS address the following issues with input from the Marin County Sheriff's office:

K-2

- What would be the required manpower to service both this proposed community and the existing Bel Marin Keys community?
- What would be the emergency response time to this proposed community and the existing one compared to the current standards of police departments?
- How would this response time differ from what we have now for the existing Bel Marin Keys community?
- How many patrols does the sheriff's office have now for the existing community? How many would the sheriff's office need to adequately protect both the proposed community and the existing community?
- What would be the departmental budget impact on the sheriff's office for these increased services?
- What would be the anticipated increase in the crime rate in this area with the addition of the proposed 1,190 units and commercial development?

I request a continuance of the public hearing period to allow time for the Marin County Sheriff's office to review the EIR/EIS and respond to the issues.

Sincerely,

Daniel H. Baker 1105 BMK Blvd

Bel Marin Keys
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

PB 1

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

I am a homeowner and resident of Bel Marin Keys. I am writing to you with my concern about the proposed Unit 5 at Bel Marin Keys.

C-8

The Draft EIR/EIS inadequately examines the cumulative impact on traffic from the proposed Bel Marin Keys Unit 5, Hamilton Air Force Base, the industrial park, and other developments planned in the area. I request that the County contact Cal Trans and other appropriate agencies for an evaluation of the cumulative effects on traffic on Bel Marin Keys Boulevard and at the Highway 101 interchange, and that these comments be included in the EIR/EIS.

Sincerely,

Mary Bassell
62 Calypso Shores
Novato, CA 94949

PB 1.11

David & Cathy Capper
99 Del Oro Lagoon • Novato, CA 94949

PB-106

October 30, 1992

RECEIVED BY
1992 NOV -2 P 1:05
MARIN COUNTY
PLANNING DEPT.

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dr. Susan Ryan, Impact Analysis Section
U.S. Army Corps of Engineers
San Francisco District
211 Main Street
San Francisco, CA 94105

C.308

We appreciate the opportunity to review and comment on the Bel Marin Keys Unit 5 DEIR/EIS dated August, 1992. This response highlights some of our key concerns with the project as proposed.

E-1 • BMK lagoon water must be flushed to maintain the quality necessary for recreational use (human contact). The DEIR does not address the feasibility or whether flushing would be successful if the proposed Unit 5 is built, given the increased volume of water.

C-8 • The DEIR does not consider the cumulative impacts on traffic from all sources -- the business park (when completely developed and occupied) and potentially the Hamilton and Renaissance Developments.

C-2 Bel Marin Keys Boulevard cannot be allowed to be the only access road to the existing and proposed communities. An access road through Hamilton must be required before any further development of the area is allowed. This is crucial both as a relief from traffic gridlock and even more important as an emergency precaution.

A-1 • An extensive and expensive Environmental Assessment was written on the project which stated: The entire site is within the historic marshland and in agricultural use. Therefore, the EA authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use. The DEIR ignores the findings of the EA. The final EIR should include rationales as to why this project should go forward against the advice of the EA. Much of the damage to the environment will never be repaired, and there are NO mitigations or means for abating this damage.

ATTACHMENT h/

PB-106

K-3 • Although the proposed development provides for a potential site for an elementary school, the DEIR does not consider the cumulative impact on the educational system of all of the potential projects currently under review, specifically the Hamilton and Renaissance Developments. The final EIR needs to consider the impact of all of the developments on the entire educational system -- Elementary, Middle and High School.

These are just a few of the key issues and concerns we have. We look forward to reviewing the final document which should address and answer these and all the other outstanding issues raised.

Sincerely,

David and Cathy Capper

David & Cathy Capper • 99 Del Oro Lagoon • Novato • CA • 94949
Phone 415-883-2277

David & Cathy Capper
90 Del Oro Lagoon • Novato, CA 94949

PB-107

RECEIVED BY
1992 NOV -2 P 1:06
MARIN COUNTY
PLANNING DEPT.

October 30, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dr. Susan Ryan, Impact Analysis Section
U.S. Army Corps of Engineers
San Francisco District
211 Main Street
San Francisco, CA 94105

C.309

We appreciate the opportunity to review and comment on the Bel Marin Keys Unit 5 DEIR/EIS dated August, 1992. This response will highlight one of our key concerns with the project as proposed.

In addition to the many environmental and traffic issues not adequately addressed by the DEIR, we are very concerned regarding the incredible void of planning and analysis regarding the impact of the Unit 5 development on the safety and usage factors that will affect all of the families and children who use the lagoons for sport and recreation.

We watch and use the Sunset lagoon on a daily basis. The current recreational load on the lagoon appears very safe and reasonable. However, neither the county nor the DEIR study have analyzed the impact of the
J-1 future development on recreational safety, specifically on this lagoon. In the existing DEIR, the study merely quotes the local sheriff's opinion and provides an opinion from the CSD of the current situation. Unfortunately, the current situation is not a translatable base to evaluate the safety factors involved in future plans of the Unit 5 project.

Venture Corp. is proposing up to 1190 homes. Affordable housing aside, one would assume the developers are seeking this dense level of 1190 homes in hopes of ultimately attaining a compromised 500 to 900 level. Regardless, the final EIR should judge the safety relationship of Unit 5 on reasonable usage standards of the lagoons in relation to the size and density of the development.

ATTACHMENT

PB-107

J-6 Equally important, if the development encourages public access to the lagoons, the recreational situation and related safety issues will be significantly complicated and potentially catastrophic.

J-1 MIT-1 This water safety issue has been raised with Venture Corp. and they do appear cooperative and willing to adjust plans to address some of the problems. However, once the situation is analyzed, and before the development is approved, there should be stringent, mandatory requirements to insure the necessary standards are maintained! After all, although Venture Corp. appears well intentioned, other issues may become involved or they may choose to sell.

CN We would like to communicate clearly that the answer should not be to suggest doing away with water skiing and other sports on the lagoons. There are many who have purchased homes and live here for this important amenity. As stated above, the current load and usage appears safe and reasonable. Taking away this important recreational activity could diminish the quality of life and may have a negative impact on home values for the current residents. This should never be considered an option.

In summary, we are asking that in addition to more thoroughly evaluating the outstanding environmental and traffic issues, the final EIR also analyze the impact of any Unit 5 proposal on recreational water usage and that mandatory requirements are placed on the development to ensure the ultimate standards are required.

This issue is not dealing with just minor inconveniences or the environment. We are discussing the actual lives and physical safety of families and their children. If the Marin Planning Commission and the Board of Supervisors does not extensively evaluate the situation and impose mandatory requirements on the development, then you will be negligent.

The water-ski and recreational rights and safety standards that currently exist are successful. Please responsibly maintain them.

Sincerely,

Dave Capper Cathleen M.K. Capper

David and Cathy Capper

David & Cathy Capper • 90 Del Oro Lagoon • Novato • CA • 94949
Phone: 415 883-22[illegible]

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

I am a resident and homeowner of Bel Marin Keys. I believe the EIR/EIS is inadequate in addressing the impact of the proposed Unit 5 on police protection of both the proposed Unit 5 development and the existing Bel Marin Keys community. I request that the EIR/EIS address the following issues with input from the Marin County Sheriff's office:

K-2

- What would be the required manpower to service both this proposed community and the existing Bel Marin Keys community?
- What would be the emergency response time to this proposed community and the existing one compared to the current standards of police departments?
- How would this response time differ from what we have now for the existing Bel Marin Keys community?
- How many patrols does the sheriff's office have now for the existing community? How many would the sheriff's office need to adequately protect both the proposed community and the existing community?
- What would be the anticipated increase in the crime rate in this area with the addition of the proposed 1,190 units and commercial development?

I request a continuance of the public hearing period to allow time for the Marin County Sheriff's office to review the EIR/EIS and respond to the issues.

Sincerely,

Mr. & Mrs.
Juan Cespedes
189 Montego Key
Novato, Ca 94949

Bel Marin Keys
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

C.310

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

I am a homeowner and resident of Bel Marin Keys. I am writing to you with my concern about the proposed Unit 5 at Bel Marin Keys.

A-1

The Summary in the Final Environmental Assessment (EA), dated July 20, 1990, stated "The entire site is within the historic marshland and in agricultural use (many policies strongly favor protecting such areas). Therefore, the EA authors have DESIGNATED the ENTIRE AREA as basically UNSUITABLE FOR DEVELOPMENT and should remain in bayfront preservation and in agricultural use."

This EA was APPROVED by the PLANNING COMMISSION and the BOARD OF SUPERVISORS. County policy states the EA is to be the basis for an EIR. Why does the DEIR/S not come to the same conclusion?

Please respond to this in the EIR/EIS.

Sincerely,

Mr. & Mrs.
Juan Cespedes
189 Montego Key
Novato Ca 94949

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

C.311

I am a resident and homeowner of Bel Marin Keys. I believe the EIR/EIS is inadequate in addressing the impact of the proposed Unit 5 on police protection of both the proposed Unit 5 development and the existing Bel Marin Keys community. I request that the EIR/EIS address the following issues with input from the Marin County Sheriff's office:

K-2

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- What would be the anticipated increase in the crime rate in this area with the addition of the proposed 1,190 units and commercial development?

I request a continuance of the public hearing period to allow time for the Marin County Sheriff's office to review the EIR/EIS and respond to the issues.

Sincerely,

(DESCALSO, Kathryn)

82 Dek Oro Lagoon Novato, Ca.

Bel Marin Keys
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

PB 17?

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

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I request that the EIR/EIS address the following issues with input from the Marin County Sheriff's office:

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- What would be the required manpower to service both this proposed community and the existing Bel Marin Keys community?
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Sincerely,

82 Calypso Shores

Cynthia Q. Gadin
82 Calypso Shores

Bel Marin Keys
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

PB 171

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

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Please respond to this in the EIR/EIS.

Sincerely,

Adrian & Jadin
Marlene E. Jadin
40 Montego Key, Novato, CA 94949

C.312

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

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Please respond to this in the EIR/EIS.

Sincerely,

Mr Patricia A Garner
68 Montego Key
Novato Ca 94949

PB 1011

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

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I request a continuance of the public hearing period to allow time for the Marin County Sheriff's office to review the EIR/EIS and respond to the issues.

Sincerely,

Margaret Garneau

1133 Bel Marin Keys Blvd
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

C.313

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

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I request a continuance of the public hearing period to allow time for the Marin County Sheriff's office to review the EIR/EIS and respond to the issues.

Sincerely,

Kathryn M. Gibney
21 Montego Key

Bel Marin Keys
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

C.314

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

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Please respond to this in the EIR/EIS.

John Hansen
Huntings Key
Novato, Ca 94947

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

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Sincerely,

John Hansen
1133 Montego Key
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

PB (183)

C.315

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

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Sincerely,

139 Del Oro Lagoon

pb

217 Caribe Isle
Novato Ca 94949

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

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Sincerely,

Lois Jamieson

pb

C.316

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

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Sincerely,

[signature]

53 Montego Key

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

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I request that the EIR/EIS address the following issues with input from the Marin County Sheriff's office:

K-2
- What would be the required manpower to service both this proposed community and the existing Bel Marin Keys community?
- What would be the emergency response time to this proposed community and the existing one compared to the current standards of police departments?
- How would this response time differ from what we have now for the existing Bel Marin Keys community?
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- What would be the anticipated increase in the crime rate in this area with the addition of the proposed 1,190 units and commercial development?

I request a continuance of the public hearing period to allow time for the Marin County Sheriff's office to review the EIR/EIS and respond to the issues.

Sincerely,

[signature]

1912 Bel Marin Keys
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

C.317

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

I am a homeowner and resident of Bel Marin Keys. I am writing to you with my concern about the proposed Unit 5 at Bel Marin Keys.

A-1 The Summary in the Final Environmental Assessment (EA), dated July 20, 1990, stated "The entire site is within the historic marshland and in agricultural use (many policies strongly favor protecting such areas). Therefore, the EA authors have DESIGNATED the ENTIRE AREA as basically UNSUITABLE FOR DEVELOPMENT and should remain in bayfront preservation and in agricultural use."

This EA was APPROVED by the PLANNING COMMISSION and the BOARD OF SUPERVISORS. County policy states the EA is to be the basis for an EIR. Why does the DEIR/S not come to the same conclusion?

Please respond to this in the EIR/EIS.

Sincerely,

Mary Lekoner
154 Montego Key
Novato, Ca 94949

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

I am a homeowner and resident of Bel Marin Keys. I am writing to you with my concern about the proposed Unit 5 at Bel Marin Keys.

C-8 The Draft EIR/EIS inadequately examines the cumulative impact on traffic from the proposed Bel Marin Keys Unit 5, Hamilton Air Force Base, the industrial park, and other developments planned in the area. I request that the County contact Cal Trans and other appropriate agencies for an evaluation of the cumulative effects on traffic on Bel Marin Keys Boulevard and at the Highway 101 interchange, and that these comments be included in the EIR/EIS.

Sincerely,

Margaret Meeks
264 Montego Key
Novato
Ca, 94947

C.318

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

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Sincerely,

Frank Meyer
13 Calypso Shore

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

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I request a continuance of the public hearing period to allow time for the Marin County Sheriff's office to review the EIR/EIS and respond to the issues.

Sincerely,

Georgia Otterson
16 Bahama Reef, Novato 94949

Bel Marin Keys
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

C.319

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

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Sincerely, David Pedtja 10-30-92
9 Calipso Shore

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

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I request a continuance of the public hearing period to allow time for the Marin County Sheriff's office to review the EIR/EIS and respond to the issues.

Sincerely, [signature]
37 CALYPSO SHORES.

Bel Marin Keys
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

1169

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

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This EA was APPROVED by the PLANNING COMMISSION and the BOARD OF SUPERVISORS. County policy states the EA is to be the basis for an EIR. Why does the DEIR/S not come to the same conclusion?

Please respond to this in the EIR/EIS.

Sincerely,

Tom Schifani
2491 N. St. Helena Hwy
St. Helena CA 94579

C320

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

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Please respond to this in the EIR/EIS.

Sincerely,

Jeannette Rossini-Seefeldt
73 Markgo Key
Novato CA 94949

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

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I request a continuance of the public hearing period to allow time for the Marin County Sheriff's office to review the EIR/EIS and respond to the issues.

Sincerely,

C - [illegible] M 1121 Belmarin Keys Blvd

Bel Marin Keys
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

C.321

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

I am a homeowner and resident of Bel Marin Keys. I am writing to you with my concern about the proposed Unit 5 at Bel Marin Keys.

A-1

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This EA was APPROVED by the PLANNING COMMISSION and the BOARD OF SUPERVISORS. County policy states the EA is to be the basis for an EIR. Why does the DEIR/S not come to the same conclusion?

Please respond to this in the EIR/EIS.

Sincerely,

Anita Sonntag 141 DelOro Lagoon
Novato, Ca. 94949

October 30, 1992

PB-132

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Sus[illegible]
Arr[illegible] Engineers
211 [illegible]reet, Room 802
San Francisco, CA 94105

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I request a continuance of the public hearing period to allow time for the Marin County Sheriff's office to review the EIR/EIS and respond to the issues.

Sincerely,

Harry Stevens

1132 Bel Marin Keys
Bel Marin Keys
Novato, CA 94949

cc: Sheriff Charles Prandi, Marin County Sheriff's Office
Bel Marin Keys CSD

C.322

PB-133

October 30, 1992

Mr. Tim Haddad
Marin County Planning Department
Cevec Center, Room 308
San Rafael, CA 94903

RECEIVED BY
1992 NOV -2 P 3:50
MARIN COUNTY
PLANNING DEPT.

RE: Comments on Bel Marin Keys Unit V DEIR/DEIS

Dear Mr. Haddad:

After reviewing the Bel Marin Keys Unit V DEIR/DEIS, there are several issues that need to be addressed.

A-1 1. **Environmental Assessment:** The final Environmental Assessment (EA), dated July 20, 1990, stated: "The entire site is within the historic marshland and in agricultural use. Therefore, the EA authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." This EA was approved by the Marin County Planning Commission and the Marin County Board of Supervisors. The EIR/EIS must address why it chooses to ignore this document.

B-9 2. **Wildlife:** The DEIR/DEIS states that, under optimum conditions, the Unit V project will take 9 years to complete. Bel Marin Keys is a nesting and feeding habitat for many birds including, but not limited to, egrets, herons, cormorants, ducks, coots, and geese. The EIR/EIS must address the impact that 9+ years of excavation and construction will have on the nesting, feeding, and migration of the local and migratory birds in the area.

J-1 3. **Water Safety:** The proposed plan for Unit V provides, essentially, no new usable water for water-sports and recreation. The project proposes 1190 new homes of potential boat owners. With no new usable water, the potential increase of boaters in the area would be confined to the present lagoons for water-sports and recreation. This new influx of boaters on the present lagoons would pose a serious safety hazard. The EIR/EIS must address the impact of the new boaters using the same limited body of water. Because all the new homes will be occupied by potential boat owners, a worst case scenario of 1190 additional boats using the Bel Marin Keys waterways must be addressed.

E-1 4. **Water Quality:** Landscaping of residential homes requires the use of chemical fertilizers. Run-off from these homes will be directly into the lagoons. The EIR/EIS must address the impact that landscaping fertilizers will have on the water quality of the lagoons. Run-off from the parking lots of the proposed commercial area will also be directly into the lagoons. The EIR/EIS must list the potential substances and address the impact of this run-off into the lagoons. The construction and maintenance of a golf course also requires large quantities of fertilizers. The impact and possibilities of these chemicals entering the lagoons must be addressed in the EIR/EIS.

E-4

F-6 5. **Air Quality:** Upon completion of Unit V, the numbers of motor vehicles and boats in the area will drastically increase. The EIR/EIS must address the impact on air quality in the Bel Marin Keys area that the emissions from potential numbers of motor vehicles and boats.

G-4 6. **Noise Pollution:** The proposed project will require vast amounts of excavation and construction equipment. The EIR/EIS must address the impact on the wildlife and present residents of Bel Marin Keys that 9+ years of excavation and construction will have on noise pollution in the area.

C-1 C-2 7. **Traffic:** The DEIR/DEIS describes several plans for the mitigation of the increased traffic to and from Unit V. These include: an access road through Hamilton, a highway 37 access road, and ferry service from Port Sonoma. The developer has stated that the Hamilton access road is doubtful. The highway 37 access road requires a separate approval process. Also, a letter from the Sonoma County Department of Planning to the Marin County Planning Department, dated August 12, 1992, states: "...the County (of Sonoma) is unlikely to approve a General Plan Amendment and use permit for such ferry service from Port Sonoma." The EIR/EIS must address the impact of the very real possibility that 1,2, or all three of these proposals are not approved.

Thank you for the opportunity to comment on the Bel Marin Keys Unit V Draft EIR/EIS.

Sincerely,

Scott D. Thayer
23 Dolphin Isle
Novato, Ca 94949

C.323

ATTACHMENT II.

PB-133

October 30, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr Haddad:

After reviewing and researching the Draft EIR/EIS and proposed plan for Unit 5 Bel Marin Keys, I have an almost endless list of concerns and questions. Rather than go into the numerous problems with this project, I will only request an answer to one question: Why are we reviewing the Draft EIR/EIS when the Environmental Assessment clearly stated the entire area is unsuitable for development? I am referring to the Final Environmental Assessment, dated July 20, 1990, which stated, "The entire site is within the historic marshland and in agricultural use. A-1 Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A. Why proceed with an EIR/EIS? Why is everyone wasting so much time and money?

Thank you for allowing me to comment.

Sincerely,

Leda Thayer

Leda Thompson Thayer
23 Dolphin Isle
Novato, CA 94949

cc Bob Roumiguiere
Harold C. Brown Jr.
Al Aramburu
Gary Giacomini
Brady Bevis

C.324

October 30, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Room 802
San Francisco, CA 94105

RE: Draft EIR/EIS for Proposed Unit 5

Dear Mr. Haddad and Dr. Ryan,

I am a homeowner and resident of Bel Marin Keys. I am writing to you with my concern about the proposed Unit 5 at Bel Marin Keys.

The Draft EIR/EIS inadequately examines the cumulative impact on traffic from the proposed Bel Marin Keys Unit 5, Hamilton Air Force Base, the C-8 industrial park, and other developments planned in the area. I request that the County contact Cal Trans and other appropriate agencies for an evaluation of the cumulative effects on traffic on Bel Marin Keys Boulevard and at the Highway 101 interchange, and that these comments be included in the EIR/EIS.

Sincerely,

Olga Young
85 Montego Key

PB-136

C.325

October 30, 1992

Marin County Planning Dept.
Mark J. Riesenfeld, Director
3501 Civic Center Drive #308
San Rafael, Ca 94903

Dear Members of the Planning Department:

There are many reasons why you should not approve the Bel Marin Keys, Unit 5, Master Plan. As overseers of the environmental future of Marin County I urge to consider the damage Unit V will do. The following points are just a few of the questions raised about the validity of this project.

C-1 1. The developer talks about a proposed ferry to handle some of the increased traffic from the North Bay to San Francisco. The Golden Gate Transit District is already spending tens of millions of dollars to support a wonderful water transit system that is used by only a tiny fraction of commuters. Unit V's plan would be based on additional dollars to support this ferry system. Where this money come from?

C-6 2. Have anyone of you tried the commute from Novato to Larkspur these days? How would an additional 2,000 cars improve the situation?

B-5 3. Bel Marin Keys is a unique community that balances housing with a suitable agriculture area that is home to thousands of spent 1000's of ,migrating blackbirds and other fowl. Right now we have a place to take our kids to see nature at their back door. The addition of 1,100 homes and other buildings would absolutely destroy this environment.

4. Both the EPA, EIR and EIS raised serious questions about the consequences of Unit V. We cannot ignore these reports.

CN 5. The developer purchased this land when it was zoned under another provision. He has spent $100,000's trying to sway local government's and resident's opinion of this project. Why should we be influenced by money? Please see the enclosed dirt tricks postcard.

We are counting on you to vote this project down in its entirety. If you let the people of Bel Marin Keys vote, the project would be defeated by a wide majority. Please protect our children's future and the future of Marin. Anyone of you who has lived here for at least the last twelve years knows how much Marin has changed. Can you honestly tell yourself that the change has been for the better?

Sincerely,

George S. Youngerman
120 Bahama Reef
Novato, CA 94949-5303

BEL MARIN KEYS UNIT V
COMMUNITY DESIGN ALTERNATIVES

Help us design a revised plan that addresses your concerns and desires. Please check your preference and return this card to us by October 16.

I prefer the Unit V Community Design Alternative shown in

____ Diagram 1: THE UNIFIED LAGOON
____ Diagram 2: THE SEPARATED LAGOON

My primary concerns/goals are:

___ YES, please keep me updated on future public hearings.

Name: _____
Address: _____
Phone: (home)_____ (work)_____



BEL MARIN KEYS DEVELOPMENT ASSOCIATES
C/O VENTURE CORPORATION
P.O. BOX 847
MILL VALLEY CA 94942

C.326

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

Merry Alberigi
21 Bahama Reef
Novato, CA 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB

PB-138

October 30, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, California 94903-4157

Dear Mr. Haddad:

This letter is in regard to the proposed "Unit 5" development in Bel Marin Keys.

C-2 The traffic impacts from the Unit 5 development are not adequately addressed in the environmental impact report (EIR): Particularly the fact that Bel Marin Keys Boulevard would be rendered unsafe and unacceptable for this community. This issue has not been adequately addressed or mitigated in the present EIR. The access road through Hamilton mentioned in the EIR is on land that is not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Daniel H Baker

Dan Baker 1105 BMK Blvd.

C.327

PB-139

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

11 CARIBE ISLE, BELMAR.KEYS October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Evelyn Becker
883-6448

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-140

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

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Sincerely, Donald W. Tramontin
52 BAHAMA REEF
NOVATO, CA

CC Bel Marin Keys CSD
Marin County Supervisors

C.328

PB-141

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

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Sincerely,
Judith M. Brusati
112 Bahama Reef
Novato, Ca 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB (1/89)

PB-142

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

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Sincerely,

Judith M. Brusati
112 Bahama Key
Novato, Ca 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

C.329

PB-143

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6 C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

John M. Brusati
119 Workup Key
Novato, Ca 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

149 BAHAMA REEF
BEL MARIN KEYS

PB-144

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6
C-8

In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

Nancy Cabaud

CC. Bel Marin Keys CSD
Marin County Supervisors

C.330

149 BAHAMA REEF
BEL MARIN KEYS

PB-145

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1

As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

Nancy Cabaud

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-146

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6
C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

C.3.51

Sincerely Yours,

400 BAHAMA Reef

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-147

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

Sincerely Yours, (DAVID CASLER)

16 MONTECO KEYS
NOVATO CA 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-148

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

(MARY ANN CASLER)

16 Montego Keys
Novato, CA 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

C.332

PB-149

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Mr & Mrs.
Juan Cespedes
189 Montego Key.
Novato, CA 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-150

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

C.333

Sincerely Yours,

mr & mrs.
Juan Cespedes
189 montego Key
Novato Ca, 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-151

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6 C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

Jane S Christensen

1096 Buck

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-152

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

25 Corte Madera 94925

CC. Bel Marin Keys CSD
Marin County Supervisors

C.334

PB-153

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

Carter Collins
1169 Bel Marin Keys Blvd
Novato Ca 94949

PB-154

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

C.335

Sincerely,

Karen L Curtis
77 Calypso Shores

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-155

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

Sincerely Yours,

Leslie Jones De Palo
60 Bahama Reef
Novato, CA 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-156

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 30[illegible]
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

C.336

Sincerely Yours,

David Diamond
160 Bahama Reef
Novato, CA 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-157

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely, (DIMITRI DEMUSHKIN)

Dimitri Demushkin
13 MONTEGO KEY, NOVATO

CC. Bel Marin Keys CSD
Marin County Supervisors

PB 2-1

PB-158

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992,

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

C. Adrian & Jaden
Barbara V. Jaden
40 Montego Key, Novato, CA

CC. Bel Marin Keys CSD
Marin County Supervisors

C.337

PB-159

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6 In review of the Unit V E.I.R. I noted the inadequate information and data
C-8 concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

Cynthia A. Jaden
82 Calypso Shores

David A. Fabi
82 Calypso Shores

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-160

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-5 C-6 C-8 As a resident of Bel Marin Keys I am very concerned about the traffic impact resulting from the proposed Unit V development. The EIR is inadequate. The traffic data and analysis referenced is out of date and therefore inaccurate. Since that 1990 study there has been a tremendous increase in both traffic flow and development within Sonoma and Marin counties along the 101 corridor. The new Unit V EIR must address and mitigate the cumulative traffic impacts and include current data on new and proposed developments.

Very Sincerely Yours,

CC. Bel Marin Keys CSD
Marin County Supervisors

CAL FARNSWORTH
205 CARTER ESTATE
NOVATO, CA
94945

C.338

PB

MR. & MRS. H. A. FLERTZHEIM, JR
1021 BEL MARIN KEYS BLVD
NOVATO, CA 94949

PB-161

October 31, 1992

Mr. Jerry Friedman, Chair
Marin County Planning Commission
3501 Civic Center Drive, Rm 308
San Rafael, CA 94903

Dr. Susan Ryan
USCOE
211 Main Street, Rm 802
San Francisco, CA 94105

RE: Bel Mar in Keys Unit 5 EIR

This letter supplements my testimony on the Bel Marin Keys Unit 5 EIR given at the September 14 Planning Commission and also reflects additional remarks I plan to make at the November 2 meeting.

C-339

The motto of the Bel Marin Keys community is, "We Are Unique." Our community owns and operates two of the three navigational locks in the entire state of California. It is a place where everyone's backyard is a common waterway, and neighbors visit each other by boat as well as by car. Your neighbors also use your backyard, and you use theirs, for sailing, waterskiing, fishing, swimming, or just a quiet powered ride around the lagoon. More than that, it is also a place where night herons roost in the trees on its islands, where egrets and shorebirds prowl the shallows for small fish and other food, where migrating golden eyes, buffleheads, canvasbacks and Canadian honkers rest during the migration seasons, and where the striped bass fishing is excellent. It is a place where wildlife and people peace fully coexist, where neighbors know one another, and where the residents have a strong sense of community. The authors of the EIR have failed to recognize the many unique aspects of Bel Marin Keys, and this has directly led to major shortcomings in their preparation of the analysis of the proposed Unit 5.

ALT-1

The most glaring shortcoming, and one that makes the EIR potentially inadequate in a legal sense, is the failure to provide schematic development layouts for the alternatives that they have developed to the proposed project. In a project proposal for a non-water oriented housing project, changing the size or configuration of the project would likely have negligible impact on matters concerning safety, security, sense of community or quality of life. In a water-oriented community, such changes have a major impact. The EIR cannot assess these impacts properly unless alternative configurations are available for study and comment.

For example, size and configuration of lagoons proposed for alternative projects will directly affect water skiing safety, water quality in terms of circulation and flushing, security in terms of water access to homes and boats, boating safety, sense of community in terms of all residents having the same access to water oriented experiences that their neighbors have, and public support for necessary community functions, ie, would new

PB-161

ALT-3
N-1

residents on landlocked lagoons or non-waterfront developments support community expenditures for the dredging necessary to sustain the existing community.

ALT-1
ALT-3

At the Sept. 14 meeting, conceptual sketches were requested for the EIR alternative development schemes, but to date none have been made available for public comment. In contrast, Venture Corp. has been working with the community of BMK, and has developed two alternative land development proposals. It is hereby requested that these two Venture proposals be incorporated into the EIR review process along with conceptual sketches for all the other EIR alternatives. Unless these sketches are put out for public review and comment as a supplement to the current EIR, there can be no intelligent development of a "preferred" alternative for Unit 5 development. For example, the discussion Hydrology, Drainage, and Water Quality for the Alternative Mix/Type of Uses alternative, which begins on page 3.10 takes no account of the fact that water quality problems caused by an inability to flush the closed lagoons of this alternative might be greater than the "improvements" in water quality imputed to not allowing power boats and not building a marina, shopping center and social facilities.

In addition to the major deficiency of not including conceptual sketches for EIR alternative developments, the EIR also has a number of other significant deficiencies. These include:

E-3

1. There is no discussion of the impact of not providing the BMK community a dredge disposal site if the proposed project is not built. Periodic dredging is necessary to insure the continued viability of the existing Bmk community, as well as an expanded version. Disposal sites availble for past dredgings are no longer available, and, unless the community has a permanent, nearby dredge disposal location, costs for future dredging would likely double or triple, calling into question the community's ability to fund future dredging. The dredge disposal site offered by the project

N-2

is a significant economic impact on the BMK Community Services District (CSD) that the EIR ignores. Likewise, the expansion of the CSD economic base to finance dredging is not properly covered in the EIR

C-5

2. The traffic analyses contain errors, and fail to measure some key interesections. Further numbers are inconsistent between one intersection and the next in some cases. Trip generation assumptions are unrealistic in some cases, and the AM Peak Hour and PM Peak Hour commutes into BMK residential area defy reason- and even the trip generation logic expressed by the EIR authors themselves. Further, two items requested during the scoping phase, and acknowledged on page A.8, are totally neglected in the EIR. These are analysis of the interesection of Bak blvd and the new Unit 5 Collector road, and the issue of direct, second access to BMK through Hamilton Field including the "stubout" proposal of the developers. These issues still must be addressed by the EIR. Also, the traffic projections should be corrected

C-2
C-10

C-5 by rejecting data from "other sources" than the EIR authors own studies, correcting trip generation, and including other key intersections omitted from the study.

ALT-3 3. All alternatives included in the EIR need to have an analysis as to whether or not water sports such as water skiing can be safely conducted or not, and whether power boating is feasible. The current depth of analysis in this area is totally inadequate. In this regard, the two new alternative lagoon configurations developed by Venture Corp. are deserving of further study and public comment, as well as inclusion in the EIR.

N-2 4. Fiscal impacts of the proposed project and its EIR alternatives need greater analysis with regard to the effects on the functioning of the BMK CSD. Enlarging the community would bring in additional tax revenues and also enlarge the economic base to support special community projects, for example, dredging or further wetland development. Depending on how many additional homes are added, these economic effects could be very significant.

ALT-3 5. The security of the BMK community, including access by both land and water, is not examined by the EIR for any of the alternatives. Unattended boats are particularly vulnerable to theft and vandalism, and community access from uninhabited areas is a security concern, particularly from the water. In this regard, one of the new Venture layout alternatives addressses this community concern. A security analysis for each alternative needs to be included in the EIR.

M-2 M-3 B-5 6. The analysis of agricultural impacts of the proposed project is seriously flawed. First, not all of the 1200 acres is currently being farmed. Second, these lands are not rated as "Important Farmlands" by the Countywide Plan nor are they included in the Agricultural Preserve Zone of lands suitable for Williamson Act contracts. Lastly, the 247 acres proposed to remain in oat hay under the developer's plan would certainly be farmed by someone if oat hay is as valuable as the EIR tries to show it is. Lots of farmers rent acreage, and if the current tenant believes that he would not want to farm the smaller acreage-likely because he can't rent enough additional acreage- then it is highly probable that the land could be rented to someone else to farm in oat hay. In addition, the current conflicts between farming and the present BMK community are ignored. Smoke from burning the fields and dust from farming operations are current adverse impacts on BMK residents. Managed wetlands plus water-filled lagoons are probably a better and higher land use in the overall public interest than is agriculture alone. Certainly the habitat value is higher for fish, birds and wildlife in general.

ALT-7 7. Bel Marin Keys is a water-oriented, boating community. This fact is overlooked by the EIR authors who propose reduced lagoon sizes, and prohibition power boating. This would significantly change the character of the community, and would take new

ALT-7 residents feel like second-class citizens if they did not have the same opportunities for water recreation that existing residents have. Further, water-oriented people and wildlife are not incompatible as assumed by the EIR authors. Those of us who choose a backyard that is water realize that our backyard needs even more environmentally conscious care than does a normal backyard. B-5 E-1 BMK residents are very careful not to pollute their own environment. For that reason, the fish population is healthy and abundent in our lagoons, mussells thrive, and the shorebird and waterfowl populations coexist in harmony with the residents.

ALT-3 8. Specific flood control methods and potential water quality problems for other alternatives need to be examined in more detail. In particular, the concept of small, closed lagoons needs to be analyzed for potential water quality problems caused by an inability to properly circulate and flush such lagoons.

ALT-1 ALT-3 In summary, the EIR as currently drafted has many major shortcomings. It needs to be supplemented in the areas described above and conceptual development layouts provided for each alternative. I am enclosing copies of the two new Venture Corp. development concepts which I request be added to the EIR.

In the interests of brevity, I have ommitted many details of the errors contained in the EIR. However, I would be willing to meet with the authors and/or county staff to discuss them in greater detail. Feel free to contact me at the above address or by phone at 883-5467.

Thank you for the opportunity to comment.

Sincerely,

2 Incls: Sketches

H.A. Fletcheim, Jr.

DIAGRAM 1:
THE UNIFIED LAGOON

PB-161

BEL

DIAGRAM 1

PLAN DESCRIPTION: THE UNIFIED LAGOON

In this plan over being removed by Marin County, open "new construction" were planned along the new main boulevard with all homes to be built on peninsulas. In the revised plan to the left, the new construction would be replaced by new homes to eliminate access to the lagoon. The side of the peninsulas to the northeast and southeast sections would be greatly reduced to create lagoon system would add more than 600 acres of new lagoon - Bel Marin Keys Units I - IV has a total of 271 acres of lagoon.

ADVANTAGES:

- Water lab areas in Units I through IV would not be separated by Unit V
- Large new lab areas would be created in Unit V
- Condominium security would be assured by previously public access to the lagoon.
- Boat access to Lagoon and the Social Center would be done conveniently for all Bel Marin Keys residents

DISADVANTAGES:

- New housing regulations may be needed for the expanded lagoon system.
- Unit V residents could boat into Unit III - IV lagoon area.

DIAGRAM 2:
THE SEPARATED LAGOON

PB-161

BEL

DIAGRAM 2

PLAN DESCRIPTION: THE SEPARATED LAGOON

In this plan, the existing levee south of Units III and IV would still be removed. A new and separate lagoon of more than 400 acres would be built on the south side of the levee. A new lock to be built east of the existing Bel Marin Keys Blvd. lock would provide access for Unit V residents to Novato Creek. The new Unit V lagoon would be surrounded separately from the Unit III - IV lagoon. The existing levee would be available to all Bel Marin Keys residents for a privacy hiking trail.

The dotted line areas are the locations of peninsulas in the plan now under consideration at Marin County Planning Department. In this revised plan, peninsulas would be shortened and homes would instead be built along the new main boulevard. This would eliminate public access to the lagoon and create large new water closing areas.

ADVANTAGES:

Water closing areas in Units I - IV would not be separated.

Large new closing areas would be created.

Condominium security would be assured by building homes along the main boulevard.

Unit V would have a new, separate lock to access Novato Creek.

DISADVANTAGES:

Boat access to the new Unit V lagoon, Social Center and shopping would be inconvenient for Unit III and IV residents.

Unit V might develop a separate advisory Town Union I through IV

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

C.342

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

Lunde Foley
Robert T. Foley
145 Montego Key
Novato Ca. 94947

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Lunde Foley
145 Montego Key, Novato Ca 94947
Robert T. Foley

CC. Bel Marin Keys CSD
Marin County Supervisors

10
36-5

PB-164

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

C.343

Sincerely,

Phyllis H Fowler
169 Caribe Isle
Bel Marin Keys, CA

CC. Bel Marin Keys CSD
Marin County Supervisors

I-1 PS I sincerely believe the lagoons in Unit V are not going to be big enough + am not looking forward to the increased boat traffic on our lagoon.

PHF

PB-165

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Joanne Fraser
58 Calypso Shores

CC. Bel Marin Keys CSD
Marin County Supervisors

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Maureen K Garner
68 Montezo Key
Novato Ca 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

C-344

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

Sincerely Yours,

Margaret Garrison
1155 Bel Marin Keys.

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-168

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

C.345

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

Margaret Garrison
1133 Bel Marin Keys Blvd.

PB-169

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6 C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

Kathryn M. Gibney
21 Montego Key

CC. Bel Marin Keys CSD
Marin County Supervisors

PB
1-7-8

PB-170

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field Please address these issues in the revised E.I.R.

C.346

Sincerely Yours,

Kathryn N. Gibney
21 Montego Key

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-171

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6 C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

Ingeborg Graham
182 Conde Isle
Novato Ca 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB
240

PB-172

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

C.347

Sincerely Yours,

Andrea Jacobson
71 Cayuga Shores

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-173

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

CC. Bel Marin Keys CSD
Marin County Supervisors

Joyce Hansen
133 Montego Key
Novato, Ca. 94947

PB-174

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6
C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

C.348

Sincerely Yours,

Tom L. Harrison
Michael L. Harrison
19 Cuesta Drive

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-175

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

Michael Natalma

129 MONTEGO KEY

CC. Bel Marin Keys CSD
Marin County Supervisors

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

C.349

Sincerely,

James R. Hollingshead
177 MONTEGO KEY
NOVATO, CA 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

Joseph Kegler
104 Bahama Reef

PB-178

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-5 C-6 C-8 As a resident of Bel Marin Keys I am very concerned about the traffic impact resulting from the proposed Unit V development. The EIR is inadequate. The traffic data and analysis referenced is out of date and therefore inaccurate. Since that 1990 study there has been a tremendous increase in both traffic flow and development within Sonoma and Marin counties along the 101 corridor. The new Unit V EIR must address and mitigate the cumulative traffic impacts and include current data on new and proposed developments.

Very Sincerely Yours,

George Hyden 104 Bahama Reef.

C.350

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-179

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

Richard T. Eberley
96 Montego Key
Bel Marin Keys Ca 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB (3-9)

PB-180

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

C.351

Sincerely,

J. J. Husty (HUSTY)
49 Montego Key
Novato Ca 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-181

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

In review of the DRAFT"Y" E.I.R. for the proposed Unit V development the statement the loss of wetlands is identified as " significant and unavoidable with no public benefit resulting from the project" stands out. How can this project be seriously considered by the Planning Commission and continuing to proceed after that statement. The loss of these fragile and invaluable bayfront habitats for the development of an environmentally unsound subdivision such as Unit V, should not even be considered by the Planning Department.

A-2 B-5 The EIR has inadequately addressed the environmental and habitat impact of this development. Further studies of the wildlife using the habiat as a wide varity of migratory birds are involved as well as the study of the marine life in the lagoons which was very superficial and inaccurate requiring a more in depth study by Bay ecology experts. BMK residents will access our own experts to confirm these findings and the other studies missing from the E.I.R. The most appropiate uses for which the land is originally zoned, should be maintained as bayfront habitat and agriculture.

O-1 To claim that the development of housing, particularly AFFORDABLE HOUSING in this area is the major benefit to the community is insane! What is the definition of Affordable in this E.I.R. including sale price per " Affordable" home. This Affordable housing is going into a neighborhood where single family houses sell for an average $ 500,000 and are on expensive waterfront property. What other Affordable housing developments are on remote and expensive waterfront property ? This claim would be much more appropiate and believable in an urban context connected to existing urban development, services, and mass transportation, all of which Bel Marin Keys does not offer.

Please address the inadequacy of the current E.I.R. with detailed and factual studies by reputable experts on the environmental impact , its use as an historical wetlands and realistic public benefits if any. These concerns have not been addressed.

Sincerely,

Joan Hyman Cohen 25 Calypso Shores, Novato, CA 94949

CC Bel Marin Keys CSD
Marin County Supervisors

PB

PB-182

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6 C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

168 Caribe Isle
Bel Marin Keys

CC. Bel Marin Keys CSD
Marin County Supervisors

C.352

PB-183

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

CC. Bel Marin Keys CSD
Marin County Supervisors

2-93 Montego Key
Novato 94949

16
(271)

PB-184

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Colin M. Kossack
92 Montego Key
Novato, Calif 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

C.353

PB-185

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

RECEIVED BY
NOV 3 1 1992 11
MARIN COUNTY
PLANNING DEPT.

Mark & Nancy Kubik
192 Cerbe Isle
Novato, Ca. 94949

Dear Mr. Haddad:

October 31,1992

C-5 As a resident of Bel Marin Keys I am very concerned about the traffic impact resulting from the
C-6 proposed Unit V development. The EIR is inadequate. The traffic data and analysis referenced is
C-8 out of date and therefore inaccurate. Since that 1990 study there has been a tremendous increase in both traffic flow and development within Sonoma and Marin counties along the 101 corridor. The new Unit V EIR must address and mitigate the cumulative traffic impacts and include current data on new and proposed developments.

Very Sincerely Yours,

Mary Kubik Mark Kubik

CC. Bel Marin Keys CSD
Marin County Supervisors

pe
(244)

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use Therefore, the E A authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E A.?

Sincerely,

Edward Lakeby
25 Montego Key

Rita Beal Lakeby
25 Montego Key,
Novato, Ca. 94949

C.354

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

In review of the DRAFT"Y" E.I.R. for the proposed Unit V development the statement the loss of wetlands is identified as " significant and unavoidable with no public benefit resulting from the project" stands out. How can this project be seriously considered by the Planning Commission and continuing to proceed after that statement. The loss of these fragile and invaluable bayfront habitats for the development of an environmentally unsound subdivision such as Unit V, should not even be considered by the Planning Department.

A-2 The EIR has inadequately addressed the environmental and habitat impact of this
B-5 development. Further studies of the wildlife using the habiat as a wide varity of migratory birds are involved as well as the study of the marine life in the lagoons which was very superficial and inaccurate requiring a more in depth study by Bay ecology experts. BMK residents will access our own experts to confirm these findings and the other studies missing from the E.I.R. The most appropiate uses for which the land is originally zoned, should be maintained as bayfront habitat and agriculture.

O-1 To claim that the development of housing, particularly **AFFORDABLE HOUSING** in this area is the major benefit to the community is insane! What is the definition of Affordable in this E.I.R. including sale price per " Affordable" home. This Affordable housing is going into a neighborhood where single family houses sell for an average $ 500,000 and are on expensive waterfront property. What other Affordable housing developments are on remote and expensive waterfront property ? This claim would be much more appropiate and believable in an urban context connected to existing urban development, services, and mass transportation, all of which Bel Marin Keys does not offer.

Please address the inadequacy of the current E.I.R. with detailed and factual studies by reputable experts on the environmental impact , its use as an historical wetlands and realistic public benefits if any. These concerns have not been addressed.

Sincerely,

CC Bel Marin Keys CSD
Marin County Supervisors

1092 Bel Marin Keys Blvd.
Novato CA 94949

PB-188

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

Steven Letterman
1092 Bel Marin Keys Blvd.
Novato CA 94949.

CC. Bel Marin Keys CSD
Marin County Supervisors

C.355

PB-189

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

Vincent Letterman
1092 Bel Marin Keys Blvd

PB

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

C.356

Sincerely,

Susan Lehmann 1092 Bel Marin Keys Blvd
Novato CA. 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

In review of the DRAFT"Y" E.I.R. for the proposed Unit V development the statement the loss of wetlands is identified as " significant and unavoidable with no public benefit resulting from the project" stands out. How can this project be seriously considered by the Planning Commission and continuing to proceed after that statement. The loss of these fragile and invaluable bayfront habitats for the development of an environmentally unsound subdivision such as Unit V, should not even be considered by the Planning Department.

A-2
B-5 The EIR has inadequately addressed the environmental and habitat impact of this development. Further studies of the wildlife using the habiat as a wide varity of migratory birds are involved as well as the study of the marine life in the lagoons which was very superficial and inaccurate requiring a more in depth study by Bay ecology experts. BMK residents will access our own experts to confirm these findings and the other studies missing from the E.I.R. The most appropiate uses for which the land is originally zoned, should be maintained as bayfront habitat and agriculture.

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Please address the inadequacy of the current E.I.R. with detailed and factual studies by reputable experts on the environmental impact , its use as an historical wetlands and realistic public benefits if any. These concerns have not been addressed.

Sincerely,

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-192

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

C.357

Sincerely,
Phillip W. Lundquist
20 Bahama Reef

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-193

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

Sincerely Yours,
Phillip W. Lundquist
20 Bahama Reef

CC. Bel Marin Keys CSD
Marin County Supervisors

PB (217)

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6 C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve **CAL TRANS** review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

Robert Kingg

1090 Bel Marin Keys
Novato CA 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

C.358

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

In review of the DRAFT"Y" E.I.R. for the proposed Unit V development the statement the loss of wetlands is identified as " significant and unavoidable with no public benefit resulting from the project" stands out. How can this project be seriously considered by the Planning Commission and continuing to proceed after that statement. *The loss of these fragile and invaluable bayfront habitats for the* development of an environmentally unsound subdivision such as Unit V, should not even be considered by the Planning Department.

A-2 B-5 The EIR has inadequately addressed the environmental and habitat impact of this development. Further studies of the wildlife using the habiat as a wide varity of migratory birds are involved as well as the study of the marine life in the lagoons which was very superficial and inaccurate requiring a more in depth study by Bay ecology experts. BMK residents will access our own experts to confirm these findings and the other studies missing from the E.I.R. The most appropiate uses for which the land is originally zoned, should be maintained as bayfront habitat and agriculture.

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Please address the inadequacy of the current E.I.R. with detailed and iactual studies by reputable experts on the environmental impact , its use as an historical wetlands and realistic public benefits if any. These concerns have not been addressed.

Sincerely,

Robert Kingg

1090 BMK. Blvd.
Novato CA. 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-196

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

C.359

Sincerely Yours,

Robert Lingg

1090 Bel Marin Keys Blvd Novato CA 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-197

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

Robert Lingg

1090 Bel Marin Keys Blvd
Novato CA 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-415[illegible]

October 31,1992

Dear Mr. Haddad.

C-5 C-6 C-8 As a resident of Bel Marin Keys I am very concerned about the traffic impact resulting from the proposed Unit V development. The EIR is inadequate. The traffic data and analysis referenced is out of date and therefore inaccurate. Since that 1990 study there has been a tremendous increase in both traffic flow and development within Sonoma and Marin counties along the 101 corridor. The new Unit V EIR must address and mitigate the cumulative traffic impacts and include current data on new and proposed developments.

Very Sincerely Yours,

Robert Lingo 1090 Bel Marin Keys
Novato CA 949949

CC. Bel Marin Keys CSD
Marin County Supervisors

C.360

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Robert Lingo 1090 Bel Marin Keys Blvd
Novato CA. 949949

CC. Bel Marin Keys CSD
Marin County Supervisors

9. Individuals - Letters PB-200 to PB-299 [redacted]

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

MONTALVO
17 CALYPSO SHORES - NOVATO

C.361

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

JOSE LUIS
17 CALYPSO SHORES NOVATO

CC. Bel Marin Keys CSD
Marin County Supervisors

PB

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6
C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

C.362

Sincerely Yours,

CC. Bel Marin Keys CSD
Marin County Supervisors

1094 Bel Marin Keys Blvd
Novato, CA 94949

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. *Therefore, the E.A. authors have designated the entire area* as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

Ernest Maxwell
4 Bahama Reef

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, d July 20, 1990, stated, "The entire site is within the historic nat ıl land and in agricultural use. Therefore, the E.A. authors have ıgn ıated the entire area as basically unsuitable for development or ıc should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Su ·visors approved this E.A.. County policy states that the E.A. is ne basis for an EIR. Since development is clearly unsuitable r his site, why proceed with an EIR/EIS? Since the EIR/EIS fails 2r ı c. ne, why does it not come to the same conclusion as the E

Sincerely,

Mary Maxwell
4 Bahama Reef

C.363

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-5 C-6 C-8 As a resident of Bel Marin Keys I am very concerned about the traffic impact resulting from the proposed Unit V development. The EIR is inadequate. The traffic data and analysis referenced is out of date and therefore inaccurate. Since that 1990 study there has been a tremendous increase in both traffic flow and development within Sonoma and Marin counties along the 101 corridor. The new Unit V EIR must address and mitigate the cumulative traffic impacts and include current data on new and proposed developments.

Very Sincerely Yours,

CC. Bel Marin Keys CSD
Marin County Supervisors

Mary Maxwell
4 Bahama Reef

C.364

PB-206

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Mary Martin
20 Calypso Shores

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-207

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

Janet Miller
33 Calypso Shores
Novato, CA
94949

CC. Bel Marin Keys CSD
Marin County Supervisors

10
279

PB-208

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6
C-8

In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve **CAL TRANS** review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

124 Bahama Reef

CC. Bel Marin Keys CSD
Marin County Supervisors

C.365

PB-209

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-5
C-6
C-8

As a resident of Bel Marin Keys I am very concerned about the traffic impact resulting from the proposed Unit V development. The EIR is inadequate. The traffic data and analysis referenced is out of date and therefore inaccurate. Since that 1990 study there has been a tremendous increase in both traffic flow and development within Sonoma and Marin counties along the 101 corridor. The new Unit V EIR must address and mitigate the cumulative traffic impacts and include current data on new and proposed developments.

Very Sincerely Yours,

124 Bahama Reef

CC. Bel Marin Keys CSD
Marin County Supervisors

PB
(2/2)

PB-210

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

41 MONTEREY WAY
NOVATO, CA 94949

C.366

PB-211

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

Sincerely Yours,

Mary Bob Nicholson
233 Montego Key

CC. Bel Marin Keys CSD
Marin County Supervisors

(4D?)

PB-212

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

Mary H. Mastrantonio

253 MONTECO KEY
BEL MARIN KEYS

CC. Bel Marin Keys CSD
Marin County Supervisors

C.367

PB-213

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Mary H. Mastrantonio

253 MONTECO KEY
BEL MARIN KEYS

CC. Bel Marin Keys CSD
Marin County Supervisors

PB (1058)

PB-214

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6
C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

Dennis Stevens
16 Paloma Reef, Novato 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

C.368

PB-215

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

Sincerely Yours,

Dennis Stevens
16 Paloma Reef, Novato 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-216

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-5 C-6 C-8 As a resident of Bel Marin Keys I am very concerned about the traffic impact resulting from the proposed Unit V development. The EIR is inadequate. The traffic data and analysis referenced is out of date and therefore inaccurate. Since that 1990 study there has been a tremendous increase in both traffic flow and development within Sonoma and Marin counties along the 101 corridor. The new Unit V EIR must address and mitigate the cumulative traffic impacts and include current data on new and proposed developments.

Very Sincerely Yours,

Georgia Atterson
162 Bahama Reef Novato 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

C.369

PB-217

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6 C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

Neil Galanis
Carrie Bernett
105 BAHAMA REEF
BEL MARIN KEYS

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-218

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely, David Porter 10-30-92
9 Calypso Shore

C.370

PB-219

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,
A Petruzella
140 Montego Key
Novato, Ca 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-
12-1

PB-220

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

Sincerely Yours,

A Struggle
140 Montego Key
Novato, Ca 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

C.371

PB-221

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

A L Blum
70 Calypso Shores

CC. Bel Marin Keys CSD
Marin County Supervisors

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

C.372

Sincerely,

Louie Ratto
35 Dolphin Cir
Novato Calif. 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

Peter D. Rome
29 Bahama Reef

PB-224

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

C.373

Sincerely, Carolyn P. Rooney

Carolyn P. Rooney
12 Corale Lake
Novato, Ca 9494?

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-225

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

Peggy Stephens Rothmueller
96 Calypso Shores
Novato, Ca 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-226

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6
C-8 In review of the Unit V E.I.R. I noted the inadequate information and data concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

7

Sincerely Yours,

Fred L Sobella
32 Bohema Ref

CC. Bel Marin Keys CSD
Marin County Supervisors

C.374

PB-227

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Fred L Sobella
32 Bohema Ref

CC. Bel Marin Keys CSD
Marin County Supervisors

PB

PB-228

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Ledford V. Sands
261 Montego Key
Novato Ca 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

C.375

PB-229

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

157 Caribe Isl

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-230

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Leny Socket
114 Bel Marin Keys
Novato, Ca

CC. Bel Marin Keys CSD
Marin County Supervisors

C.376

PB-231

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-6 In review of the Unit V E.I.R. I noted the inadequate information and data
C-8 concerning the traffic impact on the 101 corridor. The traffic impact must involve CAL TRANS review as the ramps would be impacted from the local cumulative developments, at the Hamilton and Blackpoint (Renaissance Faire) areas. Please address these issues in a revised E.I.R.

Sincerely Yours,

Leny Socket
394 Alameda Del Prado
Novato, Ca

CC. Bel Marin Keys CSD
Marin County Supervisors

PB

212 CARLOTTA, Novato

PB-232

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

C.377

Sincerely,

Marie Sosso

CC. Bel Marin Keys CSD
Marin County Supervisors

PB-233

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Christy Stocking
30 Calypso Shores
Novato Calif 94949

CC. Bel Marin Keys CSD
Marin County Supervisors

(3)

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

C.378

Sincerely,

Doreen Taylor
& Barbara Kegg

CC. Bel Marin Keys CSD
Marin County Supervisors

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

RE: Comments on Bel Marin Keys Unit 5

Dear Mr. Haddad:

J-10 I am very concerned about the impact Unit 5 will have on the water quality of our lagoons. My grandson visits me often and we swim and fish off my dock. With two more grandchildren soon to be born, I worry about toxins in the water of our lagoons. I must protect my family, just as I expect the County Planning Commissioners, and Supervisors to protect me.

E-8 The Draft EIR/EIS says that contamination to the lagoons from the Hamilton toxic disposal site is a "minimal" possibility. During heavy rains, the toxics float to the surface and run off into the fields. By dredging lagoons closer to the toxic site (as Unit 5 does), we most surely risk toxins running into the water. Please address this very real possibility, and the far ranging effects. Please also investigate the possibility of underground toxins seeping laterally into the lagoons and neighboring soils. The EIR/EIS must also

E-1 E-4 address the water quality effects of run off from fertilizers of the proposed golf course and landscaping of new homes.

Please help me protect my family and my property value. Thank you for a chance to comment.

Sincerely,

Nadia Topciy

Nadia Topciy
31 Dolphin Isle
Novato, CA 94949

cc: Bob Roumiguiere, Gary Giacomini,
Harold C. Brown Jr., Brady Bevis,...
Al Aramburu

PB-236

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

Craig Truman
116 Montego Key

C.379

PB-237

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

CC. Bel Marin Keys CSD
Marin County Supervisors

Craig Truman
116 Montego Key

pp.
(all)

118 Del Oro Lagoon
Novato, California 94949
October 31, 1992

Mr. Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, California 94903-4157

Dear Mr. Haddad:

We are residents of Bel Marin Keys and are writing to you to express our deep concern about the proposed Unit 5 development.

This project as it has been presented is far too large for this area and would cause significant negative environmental impacts upon this community.

ALT-5 The proposed project, by increasing the size of our community threefold, would drastically change it neighborhood character by the addition of hundreds of new dwellings, a shopping center, golf course, social center and school. All of this added to already huge developments such as Vintage Oaks, Hamilton Field and the Renaissance Estates will place an enormous negative burden on Bel Marin Keys.

C-10 We share the serious concern of many of our neighbors that the drastic increase in traffic will produce significant problems. The one two-lane road into Bel Marin Keys cannot handle such an increase. If there is to be any development then it must be

C-2 mandatory that a second access road be provided through Hamilton Field.

ALT-3 We believe that the EIR does not address sufficiently such key issues as traffic impact, a tenfold increase in use of waterways, disruption of historic marshlands and the effect on wildlife. We urge that the EIR include a detailed study of the Reduced Size Alternative (RSA) of 160 homes. This was not done sufficiently in the Draft EIR.

The decision about Unit 5 should not be made lightly or hastily. There is too much at stake. It's impact will affect all of us and our children for decades to come. We must be sure that all questions and concerns are answered.

We appreciate your assistance.

Sincerely,
Patrick & Shirley Twohig

cc: CSD

C.380

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-5 As a resident of Bel Marin Keys I am very concerned about the traffic impact resulting from the proposed Unit V development. The EIR is inadequate. The traffic data and analysis referenced is

C-6 out of date and therefore inaccurate. Since that 1990 study there has been a tremendous increase in

C-8 both traffic flow and development within Sonoma and Marin counties along the 101 corridor. The new Unit V EIR must address and mitigate the cumulative traffic impacts and include current data on new and proposed developments.

Very Sincerely Yours,

Betty L. Barrera
99 Calypso Drive

CC. Bel Marin Keys CSD
Marin County Supervisors

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

Carl White

64 BAHAMA REEF
BEL MARIN KEYS

C.381

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-1 As a Marin County resident I am concerned about the traffic impact from the Unit V Development and the inadequate information about the mitigation measures. The E.I.R. documentation proposes a Ferry system that would result in the loss of wetlands and goes against the Sonoma County General Plan. We request that this mitigation be deleted and a new review process be initiated with CAL TRANS as Sonoma County is unlikely to approve a General Plan Amendment and use permit for ferry service from Port Sonoma. (See letter of August 12, from Richard Lehinen, Sonoma County Deptartment of Planning)

Sincerely,

Carl White

CC. Bel Marin Keys CSD
Marin County Supervisors

Carl White
264 Montego Key
Novato CA 94949

PB-242

October 31, 1992

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

Dear Mr. Haddad:

A-1 The Final Environmental Assessment, dated July 20, 1990, stated, "The entire site is within the historic marshland and in agricultural use. Therefore, the E.A. authors have designated the entire area as basically unsuitable for development and should remain in bayfront preservation and in agricultural use." The Marin Planning Commissioners and County Supervisors approved this E.A.. County policy states that the E.A. is to be the basis for an EIR. Since development is clearly unsuitable for this site, why proceed with an EIR/EIS? Since the EIR/EIS has been done, why does it not come to the same conclusion as the E.A.?

Sincerely,

Carl White
264 Montego Key
Novato, Ca 94949

C.382

PB-243

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

D-1 In review of the Draft E.I.R for the proposed Bel Marin Keys, Unit V subdivision there was inadequate information provided on the geological impacts. A full Geological investigation including earth moving and storage , dredging, and siltation, water and air quality impacts, construction traffic impacts and all related impacts to the environment should be analyzed and mitigated by experts in the field. Please address these issues in the revised E.I.R.

Sincerely Yours,

James E. Wicker
24 Bahama Reef

CC. Bel Marin Keys CSD
Marin County Supervisors

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-2 The Traffic impacts from the Unit V development are NOT adequately addressed in the E.I.R. Particularly the fact that Bel Marin Keys Blvd. would be the only means of ingress and egress. A single road of access would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

James E Wilson
24 Bahama Reef

CC. Bel Marin Keys CSD
Marin County Supervisors

C.383

Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903-4157

October 31,1992

Dear Mr. Haddad:

C-5 As a resident of Bel Marin Keys I am very concerned about the traffic impact resulting from the
C-6 proposed Unit V development. The EIR is inadequate. The traffic data and analysis referenced is
C-8 out of date and therefore inaccurate. Since that 1990 study there has been a tremendous increase in both traffic flow and development within Sonoma and Marin counties along the 101 corridor. The new Unit V EIR must address and mitigate the cumulative traffic impacts and include current data on new and proposed developments.

Very Sincerely Yours,

Lorna J. Smith
16 Bahama Reef

CC. Bel Marin Keys CSD
Marin County Supervisors

08
109

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903-4157

Dear Mr. Haddad:

CN I concur with all the issues raised by the BMK CSD regarding traffic, water and neighborhood safety, impacts on the environment and the quality of the lagoon waters, as a result of Unit 5, and I trust that you will insure that all these issues are covered in the Final EIR.

C-2 C-10 The Traffic impacts from the Unit 5 development are NOT adequately addressed in the EIR. Particularly the fact that Bel Marin Keys Blvd. would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land that is not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

11-1-92

cc. Bel Marin Keys CSD
Marin County Supervisors

CARTER C COLLINS
1169 BEL MARIN KEYS BLVD
NOVATO CA 94949

C.384

15 DOLPHIN ISLE

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 The Environmental Assessment (EA) for this site concluded that development should be limited to Headquarter Hill. The EIR must explain why that conclusion was ignored and also address the issues raised in the EA.

Sincerely yours,

Barbara Ann Adams
Edward L. Adams

C.385

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

ALT-5 The proposed project is much too large. It is estimated the project will take more than nine years to complete. The EIR must address the impact of this long disruption on the quality of life of the existing Bel Marin Keys and Phases 1 and 2 of Unit 5.

J-3 There are presently two locks for aproximately 700 homes in the existing community. That is one lock for 350 homes. Unit 5 will add only 1 lock for 1190 homes. That will result in almost 4 times the volume of traffic for the Unit 5 lock. The EIR must address the inadequacy of the proposed lock.

J-1 The proposed lagoons are not large enough for the number of new boats associated with Unit 5. There are many safety issues that need to be addressed with the proposed lagoons.

Sincerely yours,

Mary Alvig

21 Bahama Reef
Novato, CA 94949

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

M-2 Why was a soils evaluation beyond the scope of the EIR/S? Agricultural lands are of prime concern in the EIR/S, several policies address their importance and preservation. Evaluate the maximum agricultural potential.

ALT-3 ALT-7 Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect so there are no potential legal problems.

COR The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss, which is incorrect. Correct the table.

Sincerely yours,

Tony Alvig

33 Monaco Key

PB-

321 Caribe Isle
Bel Marin Keys, CA 94949-5318

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C.386

ALT-5 The proposed project is much too large. - It is estimated the project will take more than nine years to complete. The EIR must address the impact of this long disruption on the quality of life of the existing Bel Marin Keys and Phases 1 and 2 of Unit 5.

J-3 There are presently two locks for aproximately 700 homes in the existing community. That is one lock for 350 homes. Unit 5 will add only 1 lock for 1190 homes. That will result in almost 4 times the volume of traffic for the Unit 5 lock. The EIR must address the inadequacy of the proposed lock.

J-1 The proposed lagoons are not large enough for the number of new boats associated with Unit 5. There are many safety issues that need to be addressed with the proposed lagoons.

Sincerely yours,

William F. Anbel

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

ALT-5 This project is much too large. The EIR traffic analysis requires further evaluation. The traffic problems on the local streets resulting from 1190, or even 900 homes, could not possibly be handled adequately with the mitigations proposed.

Sincerely yours,

Lonnie W. Blanchette
57 BAHAMA REEF
NOVATO, CA

204 CARIBE ISLE
Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C.387

ALT-5 The proposed project is much too large. It is estimated the project will take more than nine years to complete. The EIR must address the impact of this long disruption on the quality of life of the existing Bel Marin Keys and Phases 1 and 2 of Unit 5.

J-3 There are presently two locks for aproximately 700 homes in the existing community. That is one lock for 350 homes. Unit 5 will add only 1 lock for 1190 homes. That will result in almost 4 times the volume of traffic for the Unit 5 lock. The EIR must address the inadequacy of the proposed lock.

J-1 The proposed lagoons are not large enough for the number of new boats associated with Unit 5. There are many safety issues that need to be addressed with the proposed lagoons.

Sincerely yours,

Dwight Beckham

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

J-3 There are presently two locks for aproximately 700 homes in the existing community. That is one lock for 350 homes. Unit 5 will add only 1 lock for 1190 homes. That will result in almost 4 times the volume of traffic for the Unit 5 lock. The EIR must address the inadequacy of the proposed lock.

J-1 The proposed lagoons are not large enough for the number of new boats associated with Unit 5. There are many safety issues that need to be addressed with the proposed lagoons.

Sincerely yours,

Mr & Mrs.

Juan Cespedes
189 Montego Key
Novato, Ca. 94949

PB 110

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

ALT-5 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county.

ALT-3 ALT-7 M-2 Why is the Open Space/Agriculture Alternative not the *Mitigated* Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect so there are no potential legal problems.

COR The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss, which is incorrect. Correct the table.

Sincerely yours,

Mr & Mrs.

Juan Cespedes
189 Montego Key
Novato, Ca. 94949

C.388

C-390

320 Montego Key
Novato, CA., 94949

November 1, 1992

Planning Commissioners
Marin County Planning Department
Civic Center, San Rafael, CA 94903

RE: Unit V DIER

Dear Planning Commissioners,

M-4 The Unit V draft EIR simply fails to address the negative impacts of agricultural activities performed next to an existing residential community. Why is there no discussion of the severe dust problems which are caused during the plowing and disking of the oat hay fields?

Another more serious problem was recently seen, and smelled, when the farmer did his annual burning of the fields. While the farmer may well have been complying with all the air quality and fire rules, he certainly could not prevent a change in wind direction which resulted in smoke going out all over Novato, especially affecting the thousand of employees in the Bel Marin Keys business park. Such an unexpected event is very likely to occur again and should be addressed in the EIR.

CN Finally, I have seen a lot more fish and ducks in the lagoons than I have seen in the Oat Hay Fields. Please keep in mind that Unit V is a proposed expansion of a water oriented boating community, not an agricultural project.

Sincerely

John A Chalfant

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C-2 There is presently only one road into Bel Marin Keys from the Industrial Park. A second access road is essential if future developement is to occur. The existing road could be blocked by the rupture of the bridge over the Pacheco Pond outlet or by a toxic spill. The DEIR recognises the restriction on a second access road due the flight path easement but still permits development. The EIR must address the emergency access problem and restrict development if a second road is not permitted and/or constructed.

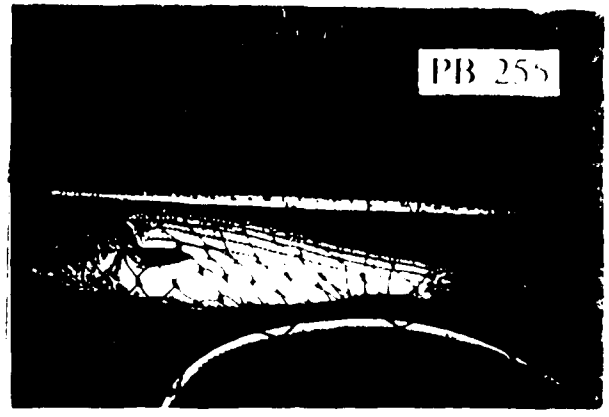
Sincerely yours,

185 [illegible]
Novato Ca 94949

C.389

PB 255





[illegible] Meeting Day
[illegible] CA 94903

[illegible] 1995

Planning Commissioners
Marin County Planning Department
Civic Center San Rafael CA 94903

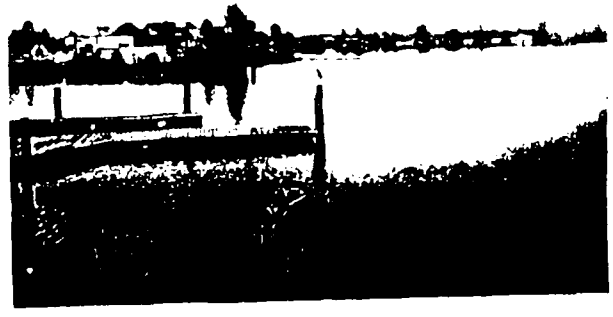
RE: Unit V DEIR

Dear Planning Commissioners,

My name is Carmen Chaltant and I have some concerns regarding the Draft EIR for the proposed Unit V development at Bel Marin Keys. I was surprised to discover that the county's consultants think that lagoons, water power boating are not compatible with water birds, fish and [illegible] suitable especially upset with the mitigated environmental alternative which bans *access at the Unit V lagoons and prohibits motor boats altogether.*

AL-1 Bel Marin Keys was from the outset designed as a water oriented community which includes water skiing and other power boat activities. [illegible] with restricted or prohibited power boating could be established [illegible] the rest of our community. I completely disagree with the [illegible] unilaterally decided that lagoons are incompatible with [illegible]. Here are photos of large bass fish caught and cooked at my home. Here is a photo of a great blue heron which lives beside our home and nests [illegible] navigational lock in the United States. We also have swans, mallard and [illegible] back ducks, as well as people who swim in our lagoons. The [illegible] EIR could not have spent any real time in Bel Marin Keys [illegible] ignoring their own conclusions on habitat suitability, which [illegible] provide some of the best habitat for birds and fish [illegible] fields of Oat Hay.

AL-2 I request the [illegible] take a second look at the [illegible] consider doing a little less fertilizing out in the oat hay fields [illegible] questions about lagoons not [illegible]





Sincerely, Your

Carmen Chaltant

[illegible]

109 CARIBE ISLE

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C-391

M-2 | Why was a soils evaluation beyond the scope of the EIR/S? Agricultural lands are of prime concern in the EIR/S, several policies address their importance and preservation. Evaluate the maximum agricultural potential.

ALT-3
ALT-7
COR | Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect so there are no potential legal problems. The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss, which is incorrect. Correct the table.

Sincerely yours,

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 | This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for the project sponsor, the county, and the Corps.

The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area should be developed. There are too many environmental impacts which can not be mitigated.

ALT-3
ALT-7
M-2
COR | Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect. The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss. Correct the table.

ALT-3 | The only other alternative with no unmitigated impacts is the Reduced Size Alternative with 160 homes. Why was this alternative not evaluated further? The fiscal analysis for this alternative incorrectly assumes a new fire station would be required even though the new homes would be closer to the existing fire station than many homes in Units 1-4. The net fiscal impact should be recalculated without the new firehouse, it will then show a gain.

C-8
C-2 | The traffic studies that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all use BMK Blvd. to Hyw. 101 without gridlock. Also, an access road through Hamilton, prior to Unit 5 construction, for relief on BMK Blvd. and emergency use is a must.

Sincerely yours,

200 Caribe Isle
Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C.392

ALT-5 The proposed project is much too large. It is estimated the project will take more than nine years to complete. The EIR must address the impact of this long disruption on the quality of life of the existing Bel Marin Keys and Phases 1 and 2 of Unit 5.

J-3 There are presently two locks for aproximately 700 homes in the existing community. That is one lock for 350 homes. Unit 5 will add only 1 lock for 1190 homes. That will result in almost 4 times the volume of traffic for the Unit 5 lock. The EIR must address the inadequacy of the proposed lock.

J-1 The proposed lagoons are not large enough for the number of new boats associated with Unit 5. There are many safety issues that need to be addressed with the proposed lagoons.

Sincerely yours,

Paige Dietz

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C-2 There is presently only one road into Bel Marin Keys from the Industrial Park. A second access road is essential if future developement is to occur. The existing road could be blocked by the rupture of the bridge over the Pacheco Pond outlet or by a toxic spill. The DEIR recognizes the restriction on a second access road due the flight path easement but still permits development. The EIR must address the emergency access problem and restrict development if a second road is not permitted and/or constructed.

Sincerely yours,

John Arnold
170 Caribe Isle
B.M.K.

PB (3,16)

51 CARIBE ISLE

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for the project sponsor, the county, and the Corps.

The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area should be developed. There are too many environmental impacts which can not be mitigated.

ALT-3 ALT-7 M-2 COR Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect. The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss. Correct the table.

ALT-3 The only other alternative with no unmitigated impacts is the Reduced Size Alternative with 160 homes. Why was this alternative not evaluated further? The fiscal analysis for this alternative incorrectly assumes a new fire station would be required even though the new homes would be closer to the existing fire station than many homes in Units 1-4. The net fiscal impact should be recalculated without the new firehouse, it will then show a gain.

C-8 The traffic studies that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all use BMK Blvd. to Hyw. 101 without gridlock. Also, an access road

C-2 through Hamilton, prior to Unit 5 construction, for relief on BMK Blvd. and emergency use is a must.

Sincerely yours,

Shahram Emami

C.393

112 Caribe Isle

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 The Environmental Assessment (EA) for this site concluded that development should be limited to Headquarter Hill. The EIR must explain why that conclusion was ignored and also address the issues raised in the EA.

Sincerely yours,

June Engle

PB

PLANNING COMMISSION HEARING - NOVEMBER 1, 1992
BEL MARIN KEYS UNIT 5 DRAFT EIR/EIS (DEIR/EIS) PB-264

Good afternoon, my name is Robert Farnham, 11 Dolphin Isle, BMK.

These comments supplement my previouly submitted comments.

ALT-3 MIT-1 Table 3.D-1 of the DEIR/S compares impacts by alternative. The DEIR/S must include the mitigation measures required to change the Class 1 impacts in the Proposed Project to Class 2 and/or Class 3 in the other alternatives which also include housing. A table similar to S-1 must be prepared for each alternative requiring mitigation. A Mitigation and Monitoring Program must also be prepared for the Mitigated Alternative in the Final EIR/S. A Mitigation Program for the Proposed Project is of little value if it is not the permitted alternative and if the permitted alternative requires additional mitigation.

O-1 The Supervisor's perception of the proposed affordable housing program will be an important consideration for project approval. I requested a detailed analysis of that program in my response to the scoping session notice but the DEIR/S response is very cursory and is an inadequate basis for decision. I would like to document the need for the analysis. *BMK Dev. Assoc. held a drop-in* meeting at the Ecumenical Association for Housing on Oct. 27 (Pg 1). I attended. Representatives of BMK were not there as stated, only the developer. I asked Betty Pagett if she knew how many of the 390 homes were priced below market. She said they all were. However, that is not the case as you can see from the Master Plan Application (Pgs 2&3). Only 90 of the 390 are below market. Now if you look at pages 996 you will see why she may have been confused. That meeting handout does not disclose to the applicant that the homes will be sold at prevailing market prices, it only stresses affordable. I believe this demonstrates the need for careful analysis. Page 8 urging attendance at this meeting was also in the handouts.

CN Legislation is pending to require the EIR to address the fiscal capability of a developer to provide the mitigation measures specified in the EIR. This is most relevant in this case. Dun & Bradstreet (pg 79) lists annual sales of Venture Dev Corp at 4 million dollars, that is equivalent to 10 homes sold at $400,000. However, at an informational meeting held at BMK Community Center, officers of the corporation stated that they had completed large projects through the construction and sales stage and that details were readily available at their office. They also stated that there had been relevant lawsuits and they would also be glad to provide readily available information on the background of those suits. The BMK Planning Advisory Board wrote over a month ago (page 84) requesting this readily available information on both subjects, it is my understanding that so far there has been no written response to the request. The EIR should include a fiscal responsibility analysis.

Thank you for the opportunity to comment.

C-394

97 PB-264

HOUSING ELEMENT UPDATE

September 1992

The following report tracks the progress of current and prepared city and county updates of General Plan Housing Elements — a long-term planning tool of local governments last due for state review and compliance check on July 1, 1990. Below is each plan's official status with the California Department of Housing & Community Development (HCD); prepared by EAH volunteer Judy Binseca.

MARIN COUNTY Draft is in compliance. Needs only to be formally adopted and resubmitted for final approval. SAN RAFAEL Adopted and in compliance. MILL VALLEY Adopted, but out of compliance. Update: Meets city's housing needs, but is short a few units for overall planning area. Mill Valley is currently building its second city-sponsored affordable housing complex with state funds. FAIRFAX Adopted, but out of compliance. Currently under review. LARKSPUR Adopted, but out of compliance. Update: Work plan developed for revisions in FY 92-93, but budget constraints may delay funding for consultant. CORTE MADERA Adopted, but needs revision. Not yet resubmitted. TIBURON Adopted, but revisions insufficient. Update: No further revisions planned until next planning period.

NOVATO Designated "obsolete" by HCD.* Update: New Housing Element due by end of 1993. SAUSALITO Obsolete. Update: Finalizing new General Plan (including new Housing Element) draft, scheduled for review and hearings this fall. BELVEDERE Obsolete. Update: Scheduled for FY 92-93; work to begin in 3-4 months. SAN ANSELMO Obsolete. Update: Funds set aside for update, but no starting date announced. ROSS Obsolete.

* As defined by HCD, "obsolete" means no Housing Element has been submitted to and/or approved by HCD either for the immediate past or the current planning period (spanning 1985 to 1995). In other words, the jurisdiction's previous draft has been sent to Sacramento for certification since the July 1990 deadline (final submission date for the last 5-year planning period). For further information, call Betty Pagett at EAH, 258-1800.

"Mark Your Calendars"

EAH Fall–Winter Schedule

Grand Openings & Groundbreakings

Watch for news of upcoming grand openings at Centertown in San Rafael and at Anderson-Rowe Senior Housing in Novato. Also, a groundbreaking will be announced soon for Braun Court, a townhouse complex for first-time homebuyers in Marin City.

Winter Membership Meetings:

Nonprofit Associations Members Lunch, February 10, 1993, at Tiburon Community Congregational Church. A celebration of support and an update on housing, plus a panel discussion: "Good Neighbors & the NIMBY Syndrome," led by John Wilson-Bugbee, Mona Breed & Robin Wechsler. Brunch and Program for Congregations, February 21, 1993, 12:30 to 2:30 p.m., at Anderson-Rowe Senior Housing, Ignacio. Co-sponsored with Marin Housing Center. Business and Union Members Lunch, February 24, 1993. Co-sponsored by San Rafael Chamber of Commerce and Temple Rodef Shalom, San Rafael.

For more information, call 258-1800 & watch for invitations.



Drop-In Meeting

"Making Affordability A Reality"

THE TOPIC: Join EAH at an informational meeting about advocating for affordable first-time homes. Representatives from Bel Marin Keys will be there to answer questions and provide information on the Unit V affordable housing program now being proposed as a component (390 units) as affordable housing for moderate-income residents, first-time buyers and seniors living on limited fixed incomes. It will be the largest [illegible]

Tuesday, October 27 • 4:30 - 6:30 p.m.
Ecumenical Association for Housing
2169 East Francisco Blvd., Suite B
San Rafael

Information also will be available on other first-time homebuyer opportunities.

PROPOSED ACTION: Drop in on the 27th and learn more about how you can make a difference. If you support affordable housing in Marin, let county officials know by submitting comments on the Bel Marin Keys housing component before the November 2 deadline.

BMR Unit 5 Senior Plan App

Senior Housing

PB-264

4 The household income of the buyers may not exceed 120% of the area median income adjusted by household size Currently, the maximum permissible income would be as follows

Household Size	Annual Income
1	$38,300
2	43,800
3	49,250
4	54,700

Pricing

As described above, the moderate income senior home buyer program consists of two components. Ten moderate income senior homes are designed for people who earn not more than 100% of the PMSA median income. One hundred more moderate income senior homes are designed for people who earn not more than 120% of the PMSA median income.

The ten 100% of PMSA median income homes will be priced identically to those described in the moderate income section of this report.

The other one hundred moderate income senior homes will be sold at prices in accordance with the prevailing market conditions at the time of sale. As of the date of this report, the prices of these homes are expected to average around $250,000.

Down Payment

All one hundred ten moderate income senior homes will be sold with minimum cash down payments of 25% of the purchase price. As described above, it is expected that many buyers, even moderate income buyers, will pay large down payments on their new homes at Bel Marin Keys Unit V because they will have sold they current homes and will be able to dedicate a large portion of their after-tax dollars to these new homes. In any event, no buyer will be required to make larger mortgage payments than are permitted under the County's guidelines for persons earning 120% on the PMSA median income.

Financing

Financing for the moderate income senior homes will be structured as one or two separate loans. Obviously, if a buyer has sufficient equity in his/her current home to pay all-cash for the new Bel Marin Keys home, no financing will be used. All buyers, however, must qualify under the moderate income guidelines described above. Most buyers will require financing and the developer of Bel Marin Keys Unit V is prepared to offer either a first or second loan to all buyers.

The developer will provide all qualified senior buyers with a mortgage in an amount not to exceed 25% of the purchase price of the home. If a buyer needs a higher loan-to-value ratio, a first loan will be provided by an outside capital source as is more fully described below. The developer will still provide its loan to the buyer but will subordinate its loan to that of a third-party lender. Buyers will determine whether this special mortgage will be a first or second loan based upon the total amount of required financing

C.395

Sign 3

PB-264

First Time Buyer.

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Household Size	Annual Income
1	$38,300
2	43,800
3	49,250
4	54,700

Pricing

The homes in the first-time home buyer program will be sold at market prices in accordance with the prevailing market conditions at the time of sale. As of the date of this report, the prices of these homes are expected to average $250,000.

Down Payment

Homes will be sold with as little as 10% cash down payment. Buyers may obtain a small savings on their effective interest rates and closing costs by paying 20% down payments as this will avoid the requirement for private mortgage insurance.

Financing

As indicated above, financing for the First-Time Home Buyers will be structured as two separate loans. The first loan will be provided by an outside capital source as is more fully described below. The second mortgage will be provided by the developer.

1. First Mortgage: The developer will arrange conventional financing from a local bank or savings and loan association. FNMA (Fannie Mae) and FHLMC (Freddie Mac) loan originators and servicers will also be considered to ensure the availability of the most favorable rates and terms. The Mortgage Revenue Bond (MRB) program described in the Moderate Income Buyer program in this report will be available to all buyers. The chosen program may vary from buyer to buyer but is generally expected to be the lowest rate program available at the time.

Senior Program (cont.)

Monthly payments: Monthly payments depend upon prevailing interest rates at the time of purchase and the financing program used by the buyer. If, for example, a two person household buys a home for $250,000 and pays a cash down payment of 75% of the purchase price, the developer will finance the $62,500 balance with a 6% interest loan. Payments would be $312.50. On the other hand, if a two person household puts 25% down and finances the entire balance, the monthly payments will range from a low of $873 to $1,123 depending upon the loan amount. In this case, payments will be made on the first mortgage, which is limited to the amounts shown on the chart on the following page, but not on the smaller second mortgage. See attached chart.

Pricing: ★ Home prices are expected to average $250,000. Because of the low interest rates and no required payments on the 25% financing provided by the developer, monthly payments will be far less than that of a conventional home mortgage at 10% interest.

Program goal: The developer desires that the homes be offered to Marin County individuals and families with a first preference for Bel Marin Keys residents and Northern Marin families.

Resale restriction: When the time comes to resell these homes, they must be sold to people of age 55 or older. No other restrictions exist.

Applicant list: A list of interested applicants will be kept at the developer's office. Be sure to notify Venture Corporation if you wish to be added to the list.

★ No mention of Market Rate pricing

First-Time Buyer Program

General: 200 waterfront townhomes affordable to young Marin County families and Marin employees who have not owned homes before and have been priced out of the County. Low down payment and low monthly payments will be offered.

Description: 1,100 - 1,500 square feet. Two story, 2 and 3 bedroom, 2 bathroom models. All homes include garages. Designed in 4 and 6 home clusters on or near the water. All homes have access to docks and boat slips.

Income criteria: Purchases are limited to individuals and families whose pre-tax annual income does not exceed $47,900 for a family of 2 or $59,900 for a family of 4.

Financing: Buyers will be provided an innovative double mortgage program. The buyer will make monthly payments on the first mortgage, which will have a fixed interest rate expected to range between 7% and 8% over a 30-year term. These mortgages are being arranged through a special bond program that will provide very low interest rates to borrowers. The developer will provide a second mortgage at 5% interest. The buyer will make no payments of principal or interest on the second mortgage for the first 5 years and interest-only payments for the next 5 years. Interest will accrue during the first 5 years. The second mortgage will be due in 10 years and can be refinanced when the buyer's annual income has increased. Cash down payments can be as low as 10% of the purchase price.

Pricing: Home prices are expected to average $250,000. Because of the low interest rates and no required payments on the second mortgage for 5 years, monthly payments will be about half that of a conventional home mortgage at 10% interest.[1]

No mention of Important Market Pricing

PB-264

There is Room for Both Pelicans *and* People.

AFFORDABLE HOUSING. "The people of Marin County can make the choice to develop differently than we have in the past, to make better use of our resources of land and water. . . . [S]ome significant remedies are still available to us if we have the conviction and exercise the political will to accomplish our goals." -- *The Ecumenical Association for Housing*

PUBLIC HEARING Monday, November 2, 1992 • 2:00 p.m.
Marin Civic Center • San Rafael
3501 Civic Center Drive • Room 319

C397

TALKING POINTS

- Marin County needs to **address the issue of affordable housing**: the Bel Marin Keys Unit V affordable housing component offers a meaningful program for moderate-income, senior and first-time buyers.

- **Increased density**, as represented by the Bel Marin Keys Unit V affordable townhome units, and **inclusionary zoning**, which requires that a percentage of affordable units be set aside as part of any new housing development, have been identified as viable means for helping meet the County's affordable housing needs.

- Affordable housing is an issue for the **public safety**, as well. Hospital workers, firefighters, police and other emergency personnel can't afford to live in the County. In the event of a natural disaster or other emergency, County residents are at risk if their public safety workers live elsewhere

AFFORDABLE HOUSING

A great deal has been said about affordable housing in Marin; but little has been done. As affordable housing advocates, it is up to us to ensure that meaningful efforts are made to improve the stock of affordable housing in Marin County.

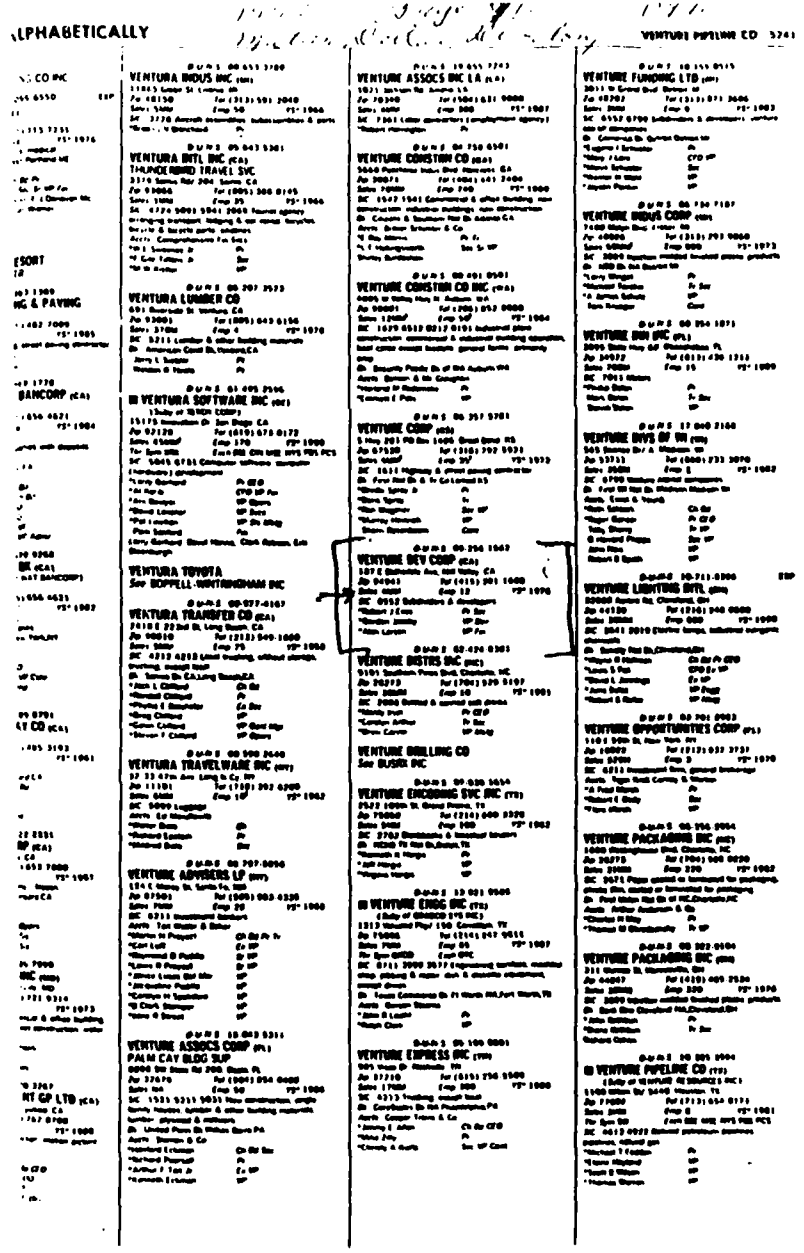
BEL MARIN KEYS UNIT V

Bel Marin Keys Unit V, the fifth and final phase of a planned waterfront residential and recreational community in Novato, contains a "commendable" component of affordable housing, according the the Ecumenical Association for Housing. Close to one third of the proposed residential units will be set aside as affordable housing for moderate-income, senior and first-time buyers -- nearly triple the amount typically required by the County.

PUBLIC HEARING ON DRAFT EIR

There will be a public hearing on Monday, November 2, on the Draft Environmental Impact Report for the Bel Marin Keys Unit V project. Please attend the meeting and make your views on affordable housing known to the Planning Commission.

If you would like more information on the program and how you can help, call Betty Pagett at EAH: 258-1800.



PB-264

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county.

The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area should be developed. There are too many environmental impacts which can not be mitigated.

ALT-3 ALT-7 M-2 COR Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect. The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss. Correct the table.

ALT-3 The only other alternative with no unmitigated impacts is the Reduced Size Alternative with 160 homes. Why was this alternative not evaluated further? The fiscal analysis for this alternative incorrectly assumes a new fire station would be required even though the new homes would be closer to the existing fire station than many homes in Units 1-4. The net fiscal impact should be recalculated without the new firehouse, it will then show a gain.

C-8 The traffic studies that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and RMK with Unit 5 can all use RMK Blvd. to Hyw. 101 without gridlock. Also, an access road

C-2 through Hamilton, prior to Unit 5 construction, for relief on RMK Blvd. and emergency use is a must.

Sincerely yours,

C398

DIANNA FRIEDMAN
31 CARIBE ISLE
NOVATO

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C-2 There is presently only one road into Bel Marin Keys from the Industrial Park. A second access road is essential if future developement is to occur. The existing road could be blocked by the rupture of the bridge over the Pacheco Pond outlet or by a toxic spill. The DEIR recognizes the restriction on a second access road due the flight path easement but still permits development. The EIR must address the emergency access problem and restrict development if a second road is not permitted and/or constructed.

Sincerely yours,

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

ALT-5 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county.

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Sincerely yours,

Margaret Benson
1133 BMK Blvd

C.399

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

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Sincerely yours,

Kathryn M. Gibney
21 Montego Key

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C.400

A-1 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for the project sponsor, the county, and the Corps.

The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area should be developed. There are too many environmental impacts which can not be mitigated.

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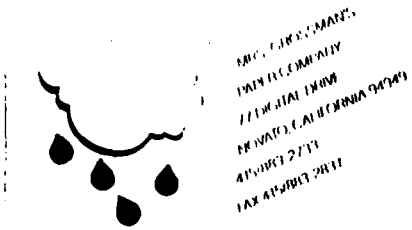
C-2 through Hamilton, prior to Unit 5 construction, for relief on BMK Blvd. and emergency use is a must.

Sincerely yours,

Caroline Grant Caroline Grant
Charles Grant Charles Grant

See Letter #PB-42

PB-271



November 1, 1992

Tim Haddad
Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, California 94903

Dear Mr. Haddad:

The purpose for my writing to you is two-fold. I own a business located in Bel Marin Keys and my home is located here as well. With three office buildings just going up on Digital Drive, and with the imminent development of the project known as Unit V in the Keys, I have become increasingly uneasy about the impact on

C-10 | the traffic flow. How does the county plan to manage this impact on an already over-taxed corridor? What are the county plans vis

C-13 | a vis disaster? When the business park experienced a chemical spill a few years ago, we were unable to leave the park, and it was almost impossible for service vehicles to enter. I can't help but wonder what we will do should we have a major fire, earthquake or similar disaster.

GEN-2 | I am equally concerned about the impact on our environment, and my question to you is, has the EIR been reviewed by responsible parties and has it satisfactorily answered the vital questions having to do with traffic and emergency exits and the impact on our bodies of water in the Keys?

Sincerely,

Andrea Grossman

Andrea Grossman

C.401

PB-272

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

ALT-5 | This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county.

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M-2 | agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect so there are no potential legal problems. The

COR | text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss, which is incorrect. Correct the table.

Sincerely yours,

John Kearney
133 Montego Key
Novato Ca 94947

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

J-3 There are presently two locks for aproximately 700 homes in the existing community. That is one lock for 350 homes. Unit 5 will add only 1 lock for 1190 homes. That will result in almost 4 times the volume of traffic for the Unit 5 lock. The EIR must address the inadequacy of the proposed lock.

J-1 The proposed lagoons are not large enough for the number of new boats associated with Unit 5. There are many safety issues that need to be addressed with the proposed lagoons.

Sincerely yours,

John Hennessy
123 Montego Key
Novato Ca 94947

C.402

36 CARIBE ISLE NOVATO

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for the project sponsor, the county, and the Corps.

The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area should be developed. There *are too many environmental impacts which can not be mitigated.*

ALT-3 ALT-7 M-2 COR Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect. The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss. Correct the table.

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C-8 C-2 The traffic studies that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all use BMK Blvd. to Hyw. 101 without gridlock. Also, an access road through [illegible]ton, prior to Unit 5 construction, for relief on BMK Blvd. [illegible]gency use is a must.

Sinc

Tom
Ron
RAS HART

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C.403

M-2 | Why was a soils evaluation beyond the scope of the EIR/S? Agricultural lands are of prime concern in the EIR/S, several policies address their importance and preservation. Evaluate the maximum agricultural potential.

ALT-3
ALT-7 | Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect so there are no potential legal problems.

COR | The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss, which is incorrect. Correct the table.

Sincerely yours,

Michael Natalma

129 MONTEGO KEY

21 Caribbean Isle
Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C-2 | There is presently only one road into Bel Marin Keys from the Industrial Park. A second access road is essential if future developement is to occur. The existing road could be blocked by the rupture of the bridge over the Pacheco Pond outlet or by a toxic spill. The DEIR recognizes the restriction on a second access road due the flight path easement but still permits development. The EIR must address the emergency access problem and restrict development if a second road is not permitted and/or constructed.

Sincerely yours,

Mary Dawson Hewitt
MARY HEWITT

217 Caribe Isle

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

ALT-5 The proposed project is much too large. It is estimated the project will take more than nine years to complete. The EIR must address the impact of this long disruption on the quality of life of the existing Bel Marin Keys and Phases 1 and 2 of Unit 5.

J-3 There are presently two locks for aproximately 700 homes in the existing community. That is one lock for 350 homes. Unit 5 will add only 1 lock for 1190 homes. That will result in almost 4 times the volume of traffic for the Unit 5 lock. The EIR must address the inadequacy of the proposed lock.

J-1 The proposed lagoons are not large enough for the number of new boats associated with Unit 5. There are many safety issues that need to be addressed with the proposed lagoons.

Sincerely yours,

Dr William W Jamieson

C.404

Bel Marin Keys, CA 94949

November 1, 1992

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Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

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Sincerely yours,

128 Caribe Isle

PB

Bel Marin Keys, CA 94949 51 CARIBE 3SCE.

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

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Sincerely yours,

Amir Khalighi

AMIR KHALIGHI

C.405

292 Caribe Sce

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/RIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

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C-8 The traffic studies that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all use BMK Blvd. to Hyw. 101 without gridlock. Also, an access road through Hamilton, prior to Unit 5 construction, for relief on BMK Blvd. and emergency use is a must.

Sincerely yours,

John W. Knobel

PB

Atten: Tim Haddad, EC, Planning Phone 499 6269
FAX 7880

MARIN COUNTY PLANNING
3501 Civic Center drive Room 308
San Rafael, CA 94903-4157

November 1, 1992

Subject: Draft EIR/EIS for proposed Unit 5

Saturday I returned from a trip and was told that today was the last day for sending comments on subject.

Attached are comments that were made some time ago, which apparently did not carry through to the draft document, and appear to be still valid though I have not read through the current document.

C.406

CN With respect to information dispersal: I believe a brief (10 page?) summary of the important items of the EIR should be made available to affected parties. This should contain many one-liners with a yes or a no with respect to the questions that have been raised. Such a summary of the attached pages (with a few updates) follows: Note that the May 1990 comments regarding the "101 wall", which should have been obvious to others, but was ignored, was borne-out by complaints (of others) after the wall was installed.

C-2 Transportation:
Need access to highway 37 now, irrespective of unit 5;
Need direct connection to Hamilton now, irrespective of unit 5;
Need provision for electric car/cart use in DMK/Hamilton/Ig;
No smelly diesels;

House Design:
Maximum energy/solar efficiency;
No fireplace smoke;
Storage space in attics;
Two car garages min;

Rec. Facilities:
Hiking/jogging paths;
Proper bike lanes;

Utilities:
Underground with fiber-optic lines for future use;

Sincerely,

Fax (415) 883 6046

G F Kroneberger
BOX 5067
NOVATO, CA 94948

7 PAGES ATTACHED

ATTACHMEI

ATTACH TO HADDAD

GFK to VC 5/1/90

VENTURE CORPORATION
187 E. BLITHEDALE AVE
BOX 847
MILL VALLEY, CA 94942

MAY 1, 1990

SUBJECT: YOUR RECENT PRESENTATION OF UNIT V PLANS

HAVE REVIEWED YOUR FINE PRESENTATION OF UNIT V PLANS. IT IS NOTEWORTHY THAT YOU HAVE GIVEN THE COMMUNITY THE OPPORTUNITY AND SUFFICIENT TIME TO COMMENT ON THEM. I'M SURE YOU REALIZE THAT YOU MIGHT ALSO BE OPENING THE DOORS TO MANY DIVERSE OPINIONS SO YOU SHOULD BE COMMENDED FOR YOUR BRAVERY. JUST AS YOU HAVE HAD TO ADDRESS ISSUES THAT ARE NOT DIRECTLY IN YOUR AREA OF RESPONSIBILITY, THE FOLLOWING COMMENTARY DOES ALSO. AND I'M SURE YOU UNDERSTAND THAT MANY OF THE FOLLOWING SUGGESTIONS THAT ARE OUT OF YOUR AREA OF IMPLEMENTATION ARE MENTIONED TO DESCRIBE A BIG PICTURE THAT MAY BE OF USE TO YOU IN YOUR DEALINGS WITH THE MANY OTHER ENTITIES THAT INTERFACE WITH YOUR PROJECT.

IN THE SAME VEIN OF COOPERATION FOR BETTERMENT, I OFFER THE FOLLOWING THOUGHTS FOR YOUR CONSIDERATION. HAVING BEEN A HOME OWNER HERE FOR OVER TWENTY FIVE YEARS I HAVE FORMED A FEW OPINIONS ON THE MATTER. THIS COMMENTARY COVERS ITEMS ON YOUR PRESENTATION SHEETS AND A FEW MORE. IT MAY SEEM TO RAMBLE A BIT, BECAUSE MANY ASPECTS INFLUENCE, AND ARE INFLUENCED BY, OTHER ASPECTS. SO RATHER THAN COVER THE SUBJECTS ONE AT A TIME, THERE ARE BRIEF DIGRESSIONS INTO RELATED MATTERS - I'M SURE THIS WON'T BE OVERWHELMING - THOUGH I'M SURE SOME CONCEPTS WILL BE CONTROVERSIAL.

TRANSPORTATION

WAS GLAD TO SEE YOUR INCLUSION OF THE LONG DELAYED CONNECTOR TO HIGHWAY 37 AND 101 NORTH. THE CONDITION AT THE INDUSTRIAL PARK AT EXIT TIME HAS BEEN LUDICROUS AND IT IS AMAZING THAT THE OWNERS OF THE PROPERTIES HAVE TOLERATED THE SITUATION THIS LONG. ESPECIALLY WHEN GROSS IMPROVEMENT COULD BE MADE SIMPLY WITH BETTER LANE ALLOCATION. I HAVE A COMMENT ON A SOMEWHAT SIMILAR DELAYED-ACTION SITUATION THAT I HAVE INCLUDED IN THE BACKGROUND NOTE. ONE REGRET WITH RESPECT TO THE 37 CONNECTOR IS THAT IT APPARENTLY IS GOING TO WAIT ADDITIONAL YEARS PRIOR TO IMPLEMENTATION - WHEN ITS MOST EFFICIENT IMPLEMENTATION WOULD TAKE PLACE RIGHT NOW, DURING THE CURRENT ACTIVITY ON 101 IN THIS AREA. IF ONE WERE TO ASK HOW AND WITH WHAT FUNDS AND TIME, ONE MIGHT CONSIDER THE MANY DOLLARS GOING INTO THE CONSTRUCTION OF AN UNATTRACTIVE, AND UNDESIRABLE, WALL THAT MOST NOT ONLY DID NOT ASK FOR, BUT DO NOT WANT. THERE IS INSIGNIFICANT TRAFFIC NOISE AT THE SCHOOL - AND IF SOME ARE CURRENTLY DISPLEASED IT WOULD BE SOLVED MUCH MORE ENVIRONMENTALLY WITH DENSE AND DESIRABLE VEGETATION RATHER THAN A WALL.
REGARDING THE SHUTTLE BUS. SOME SORT OF DEPENDABLE, LOW COST COMMUNITY TRANSPORTATION SHOULD BE CONSIDERED. BUT I AND I'M SURE MOST OF THE OTHER RESIDENTS, WOULD NOT WANT SMELLY/NOISY

1/7

THE FOLLOWING DID NOT CAT INCLUDED ON ORIGINAL HANDED TRANSITION

FOLLOWING IS ONE ASPECT OF TRANSPORTATION THAT SHOULD DEFINITELY BE GIVEN CONSIDERATION IN YOUR PLANS, AND HOPEFULLY THE PLANS OF NEARBY COMMUNITY AND PARKING AREAS, LIKE THOSE IN IGNACIO AND PERHAPS NOVATO ALSO.

THERE IS NO QUESTION THAT MUCH LOCAL DRIVING DOES NOT NEED VEHICLES THAT ARE USED FOR FREEWAY AND LONG DISTANCE DRIVING. WHILE THERE HAVE BEEN PERIODIC CYCLES AMONG MAJOR CAR PRODUCERS REGARDING FULL SIZE ELECTRIC CARS, I PERSONALLY FEEL THAT IT IS A LONG WAY OFF - EVEN THOUGH AS YOU WILL SEE - I BELIEVE IN THEM. THE SENSIBLE DEVELOPMENT PATH WOULD BE TO PROVIDE METERED RECHARGE/PARKING FACILITIES IN THE MAJOR SHOPPING CENTERS AND MASS PARKING AREAS IN THE COMMUNITY. OF COURSE A CLARIFICATION OF LOCAL ORDINANCES WOULD ALSO HAVE TO BE CONSIDERED. BUT THE MAIN THRUST SHOULD BE TO ENCOURAGE THE USE OF THESE SMALLER, LESS POLLUTING, LESS DANGEROUS, MORE ECONOMICAL, VEHICLES FOR LOCAL SHOPPING TRIPS, TRIPS TO RECREATION FACILITIES, SCHOOLS, ETC. NO, I WOULD NOT RECOMMEND THEM FOR FREEWAY TRAVEL - WHICH IS ANOTHER REASON THAT THE CONNECTOR TO 37 AND 101 SHOULD ALSO INCLUDE A FRONTAGE ROAD TO ROWLAND. THAT EXTENSION TO ROWLAND WOULD MAKE SENSE EVEN WITHOUT THIS CONSIDERATION BECAUSE OF THE COMMERCIAL DEVELOPMENT PLANNED FOR THAT AREA. IN ADDITION THERE IS NO PRESENT PROVISION FOR ACCESS BY LOCAL AND CROSS COUNTRY BICYCLISTS. OVER THE YEARS MANY CROSS COUNTRY BICYCLISTS HAVE BEEN FOUND WANDERING TOWARD MONTEGO KEY, BECAUSE THE ROUTE TO 37 IS NOT PROPERLY MARKED. MANY WOULD PREFER TO GO UP TO NOVATO AND PETALUMA BUT THERE ARE NO PROVISIONS. EACH COMMUNITY SHOULD DO THEIR PART TO ENABLE THOSE THAT WISH TO TRAVEL VIA SOMETHING OTHER THAN A 200 HP AUTOMOBILE TO PAST THROUGH WITHOUT BEING FENCED IN BY "FREEWAYS".

CN
C-2
CN

THE BIGGER PICTURE

HOPEFULLY, THE STATE HAS HAD SUFFICIENT FORESIGHT TO PLAN FOR FOUR LANES AND MORE FOR 37 TO COMPLETE A CONNECTOR ROUTE AROUND THE BAY. THAT WILL CERTAINLY FACILITATE DEVELOPMENT OF AN AREA THAT HAS BEEN NEGLECTED FOR A SURPRISINGLY LONG TIME. WHEN THAT IS UNDERWAY - WHICH I DO NOT FORESEE IN THE NEXT SEVERAL YEARS - PORT SONOMA WILL BE AN IDEAL LOCATION FOR A COMMUTER FERRY (EVEN THOUGH I BELIEVE THAT FERRIES ARE VERY COST AND TIME INEFFICIENT, BUT I'M SURE THEY ARE ENJOYABLE WHEN OTHERS ARE FOOTING A BIG PART OF THE EXPENSE). UNTIL DEVELOPMENT OF THE UPPER PART OF THE BAY THE LOGICAL LOCATION FOR THE FERRY TERMINAL WOULD BE IN THE VICINITY OF THE INTERFACE OF THE BASE AND BMK.

CN

THE WHOLE BAY AREA SHOULD HAVE BEEN RINGED BY FAST EFFICIENT RAIL TRANSIT LONG AGO. WE SHOULD HOPE FOR, AND PLAN FOR, SUCH TO BE PROVIDED ACROSS TO SAN FRANCISCO, ACROSS TO RICHMOND AND AROUND TO VALLEJO (ONE WOULD EXPECT EXTENSIONS TO SANTA ROSA AND NAPA EVENTUALLY). IT IS ABSURD THAT THE EXISTING RAIL TRANSIT DOES NOT LINK UP TO THE EXISTING AIRLINE TERMINALS AND EVEN FERRY TERMINALS. IT WOULD BE ABSURD IF OUR PLANNED RAIL FACILITY DID NOT CONNECT WITH WATER AND AIR TRANSITS WERE POSSIBLE. AND OF COURSE WHEN "NOT POSSIBLE" THEY SHOULD BE MADE POSSIBLE BY PROPER PLANNING, LOCATION AND DESIGN IN THE FIRST PLACE.

C.407

PB-281

GFK to VC 5/1/90

THE LOGICAL LOCATION FOR A MAJOR NORTH BAY AIRPORT WOULD BE THE VAST FLAT LANDS OF HIGHWAY 37, BETWEEN 101 AND 80. THIS IS EVEN MORE REASON FOR LONG RANGE PLANNING OF FOUR OR MORE LANES FOR 37 AND FOR EVENTUAL RAIL TRANSIT ACROSS THAT AREA.

ONE OTHER FAR REACHING COMMENT COMES TO MIND REGARDING THIS. I BELIEVE WE IN MARIN, ESPECIALLY THOSE IN CENTRAL MARIN, AND THIS OF COURSE ESPECIALLY INCLUDES THE GUIDING LIGHTS AT THE CIVIC CENTER, HAVE BEEN EXTREMELY CLOSED MINDED TOWARD THE DEVELOPMENT OF ROUTES THAT WOULD PARALLEL 101. FOR A POPULATED AREA THIS LARGE TO BE AT THE MERCY OF ONE MAIN ROAD IS ILL CONCEIVED. SO FAR WE HAVE BEEN LUCKY. THE PAST MINOR CASES OF QUAKE DAMAGE, FLOODS, HIGH WINDS, FIRES, SHOOT OUTS AND ACCIDENTS HAVE CAUSED INCONVENIENCES FOR ONLY A FEW HOURS RATHER THAN DAYS OR WEEKS. BUT WE CAN NOT BE SURE THIS LUCK WILL CONTINUE.

CN

WHICH BRINGS UP A RELATED POINT - IF THE MARIN GENERAL RESIDENTS FEEL SO INCONVENIENCED BY AN EMERGENCY HELI-PAD AT MARIN GENERAL PERHAPS HAMILTON SHOULD BE CONSIDERED FOR SUCH ALONG WITH THE BEGINNINGS OF AN EMERGENCY FACILITY THAT COULD GROW BIGGER THAN MARIN GENERAL. THIS WOULD BE MORE ACCESSIBLE BY LAND AS WELL AS AIR AND-SEA. AN ASPECT THAT COULD BEGIN THAT DEVELOPMENT WOULD BE TO PLACE THE CENTER FOR AGING THERE, WHICH ALSO WOULD MAKE MORE SENSE THAN THE ALREADY CONGESTED AREA THAT IS BEING PLANNED.

LIVING ENVIRONMENT & ENERGY EFFICIENCY

I BELIEVE ADDITIONAL CONSIDERATION SHOULD BE GIVEN TO THE ENVIRONMENTAL CONSTRUCTION OF THE DWELLINGS. I WOULD SAY THAT IN GENERAL, OUR AREA IS A LITTLE ON THE COOL SIDE. FOR INSTANCE, WITH PROPER SHADE AND REGULATION OF VENTILATION, THERE ARE VERY FEW DAYS THAT ARE UNCOMFORTABLY WARM EVEN WITHOUT AIR CONDITIONING. i.e. LETTING THE NIGHT AND MORNING AIR SWEEP THE HOUSE AND THEN LOCKING OUT THE SUN, KEEPS THE HOUSE COMFORTABLE ON HOT DAYS. HOWEVER, ON THE COLD DAYS (THE CALIFORNIA DEFINITION OF COLD), NIGHTS AND MORNINGS THE TYPE OF CONSTRUCTION THAT HAS BEEN USED IN THE AREA SHOULD BE MODIFIED. MAINLY, DWELLINGS SHOULD BE GIVEN MAXIMUM GLAZED EXPOSURE TO THE EAST AND SOUTH. THIS TO PROVIDE DIRECT SOLAR HEAT DURING COOL MORNINGS AND WITH THE LOW SUN DURING THE WINTER. WITHOUT A DOUBT, THIS SOLAR EXPOSURE HAS TO BE CONTROLLABLE THROUGH THE USE OF LARGE OVERHANGS AND EXTERIOR SUN BLOCKS. THAT WOULD MAXIMIZE THE DIRECT SOLAR COMFORT. THERE IS EVEN MORE SOLAR ENERGY AVAILABLE IN AN INDIRECT MODE. HOUSES SHOULD NOT HAVE THE ROOFS INSULATED. THE INSULATION SHOULD BE AT THE CEILING LEVEL. THE AIR SPACE BETWEEN THE ROOF AND THE CEILING SHOULD BE GIVEN MORE UP-TO-DATE, HI-TECH TREATMENT THAN OFFERED BY OLD FASHIONED BUILDING CODES. THE AREA SHOULD BE WELL VENTED ON HOT DAYS. ON COOL SUNNY DAYS THAT WARM AIR SHOULD BE USED TO WARM THE HOUSE. AND ON COOL NIGHTS THAT WARMED AIR SHOULD NOT BE BLOWN OUT BY ARBITRARILY WIDE OPEN VENTS. I KNOW SOME WILL SAY THE VENTS ARE THERE TO AVOID CONDENSATION. THERE IS A TIME FOR THAT AND A TIME FOR NOT. THERE ARE MANY WARM DAY, COOL NIGHT PERIODS WHERE THAT WOOD IS TINDER DRY, EVEN TOO DRY. TEMPERATURE AND MOISTURE

I-2

DENSITY

I AM GLAD THAT YOU ARE KEEPING TO A LOW POPULATION DENSITY. MANY OF US THAT WERE FOR THE HAMILTON DEVELOPMENT WERE TURNED OFF BY THE LATER ATTEMPT TO INCREASE DENSITY. HOWEVER, THERE SHOULD ALSO BE MORE ROOM PROVIDED AMONG THE DWELLINGS. REGARDLESS OF TALK ABOUT SHUTTLES, REGARDLESS OF TALK ABOUT ELDERLY AND LOW INCOME NOT DRIVING. MARIN ON AVERAGE HAS MORE THAN TWO CARS PER DWELLING. LETS RECOGNIZE THIS AND ALLOW FOR IT. HOUSES IN THIS AREA DO NOT HAVE THE BASEMENT AND USABLE ATTIC SPACE OF HOUSES IN COLDER CLIMATES. THEREFORE MUCH GARAGE SPACE GOES TO STORAGE - EVEN WHEN THE "ONE CAR GARAGE" IS NOT ADEQUATE IN THE FIRST PLACE. A HIGH PERCENTAGE OF THE PEOPLE DRAWN TO BMK ARE THE OUTDOOR TYPE AND/OR HAVE ABOVE AVERAGE INCOMES. THEREFORE THEY OWN EXTRA CARS, NON-FLOATING BOATS, MOTOR-HOMES, REC VEHICLES ETC. LETS ACKNOWLEDGE THIS AND PLAN FOR IT.

CN

UTILITIES

NOTHING WAS SAID ABOUT UTILITIES. YEARS AGO THERE WAS TALK OF UNDERGOUNDING ALL OF THE BMK WIRING. THE OLD WAS SUPPOSED TO BE TAKEN CARE OF IN CONJUNCTION WITH THE NEW. THIS APPARENTLY WAS DEFERRED? WOULD LIKE TO SEE TOTAL IMPLEMENTATION OF THIS. HOPEFULLY CONSIDERATION WILL ALSO BE GIVEN TO BEING COMPLETELY UP-TO-DATE WITH FIBER OPTIC CABLES WHICH ARE MUCH MORE EFFICIENT AND COST EFFECTIVE THAN COPPER FOR NON-POWER USES.

K-8

ABOUT MARSH LANDS AND GOLF COURSES

I PERSONALLY FEEL THAT THE BAY AREA HAS TOO MUCH "MUD FLATS" ALREADY. I WOULD OPT FOR MUCH MORE IN THE WAY OF SANDY BEACHES, USABLE SHORELINE, MOORING AREAS, PARKING AREAS, HIKING AREAS ETC. IN CHICAGO, AND MOST OTHER PLACES, THE WATER FRONT IS THE HIGHEST PRICED LAND AROUND. I CONTINUE TO BE AMAZED THAT IN MANY PLACES PEOPLE STILL LITERALLY USING THE SHORE LINE AS A DUMP. USAGE OF THE BAY SHORELINE HAS IMPROVED CONSIDERABLY SINCE 1954. BUT MUCH OF IT IS TREATED AS WASTE LAND. IN PART, BECAUSE SOME FEW, ARE ENCHANTED by "MUD FLATS" - FOR THE BIRDS. THE AREA AND USAGE CAN BE IMPROVED, WITHOUT INCONVENIENCING WILDLIFE. AND SOME AREAS SHOULD BE PRESERVED, UNIMPROVED I.e. NOT "MAN-MADE" (PERSON-MADE?). BUT I ALSO BELIEVE THAT PEOPLE ARE MORE IMPORTANT THEN BIRDS AND RATS (MICE IF YOU PREFER). I KNOW YOU HAVE PROVIDED MARSH LANDS TO SATISFY SOME VOCAL MINORITY. BUT THE BAY AREA PROVIDES THOUSANDS OF ACRES OF BAY WATER, MUD FLATS, MARSHES AND WOODED HILLS FOR WILDLIFE. PER POUND, AND EVEN PER CAPITA THEY HAVE MORE RECREATIONAL FACILITIES THAN PEOPLE. I BELIEVE IF YOU WERE TO TAKE A POLL OF THE PEOPLE SPECIFICALLY INVOLVED THERE WOULD BE A MAJOR SHOWING OF HANDS FOR SOMETHING MORE USEFUL - TO PEOPLE. TO LET YOU KNOW THAT I AM NOT ANTI-WILDLIFE. I WILL ADMIT, TO PLACING A LAGOON/BIRD SANCTUARY, WEST OF WHAT WAS BMK IN 1965. THIS WAS SHOWN ON PRELIMINARY MAPS WHEN WE WERE TRYING TO GET THE MAP MAKERS/DISTRIBUTORS TO PUT BMK ON THEIR MAPS. THE LOCATION SHOWN THEN, WAS NORTH OF THE BMK ACCESS ROAD BECAUSE ONE INTENT WAS TO PROVIDE A FLUSHING LAGOON TO REDUCE SILTING OF THE RIVER. UNFORTUNATELY LATER GUIDING LIGHTS LOST SIGHT OF THE CONCEPT AND IT ENDED UP ON THE OPPOSITE SIDE OF THE ROAD.

CN

THERE APPEAR TO BE AT LEAST FOUR HOLES THAT HAVE GOLFERS DRIVING TOWARD HOUSES. BEING A RATHER DISINTERESTED GOLFER MYSELF, THAT WOULD NOT BE MY CHOICE OF A PLACE TO LIVE. PERHAPS THERE ARE SOME THAT WOULD LIKE THAT TYPE OF EXCITEMENT. WITH PRACTICALLY NO TRUE "PARK AREA" SHOWN ON THE PLAN, I BELIEVE THERE SHOULD BE SOME RECONSIDERATION IN THIS RESPECT. SOME GRASS, TREES, A PICNIC AREA, A BRIDGE (LIKE AT NOVATO LIBRARY) AND EVEN A LIBRARY BRANCH SHOULD BE GIVEN SOME CONSIDERATION. WITH SO MUCH GOING ON IN THIS AREA AND WITH THE CIVIC CENTER LIBRARY RUNNING OUT OF ROOM EVEN NOW, A LIBRARY SHOULD BE GIVEN CONSIDERATION HERE OR AT HAMILTON. IN EITHER CASE WE SHOULD HAVE MORE PARK/PICNIC/PARKING AREA.

GEN-3

PS ONE FINAL SUGGESTION. IN FUTURE RELEASES WHEN DESCRIBING SUCH THINGS AS THE NEW 101 BMK INTERCHANGE - A PICTURE IS WORTH A THOUSAND WORDS.

PD-1

SINCERELY,

G F KRONENBERGER
BOX 5067
BMK (NOVATO), CA 94948

PSS IT COMES TO MIND THAT WE ALL OWE MR. WEST A TOAST OF GRATITUDE FOR HIS FORESIGHT AND EARLY PERSEVERANCE EVEN WHEN CONFRONTED WITH SOMETIMES UNREASONABLE OBSTACLES.

5/7

6/7

C.408

C.409

PB-281

GFK to VC 5/1/90

ABOUT G F KRONEBERGER, EARLY BMK, AND ACCESS ROADS

MR. KRONEBERGER IS A REGISTERED ENGINEER AND A LONG TIME RESIDENT OF BMK HAVING BOUGHT ONE OF THE FIRST DOZEN HOUSES IN THE AREA. IN THE SIXTIES HE WAS BACKED INTO BEING PRESIDENT OF THE HOMEOWNERS ASSOCIATION AND WAS INSTRUMENTAL IN IMPROVING THE PRESS OF THE COMMUNITY. WITHOUT FAN FARE AND LITTLE KNOWN TO OTHERS HE WAS INSTRUMENTAL IN HAVING THE WASTE DISCHARGES FROM THE NOVATO PLANTS REMOVED FROM BMK WATERS (WITH AN UNTOLD BENEFIT TO THE HEALTH OF THE COMMUNITY). HE ALSO PLAYED A KEY ROLL IN COOPERATING WITH PACIFIC BELL TO OBTAIN TOLL FREE DIALING TO SAN RAFAEL FOR BMK AGAINST THE OPPOSITION OF GTE, SINCE THEY WERE NOT PROVIDING SUCH FOR NOVATO. THIS RESULTED IN TENS OF THOUSANDS OF DOLLARS IN SAVINGS TO BMK RESIDENTS (AND EVEN MORE FOR NOVATO SINCE GTE EVENTUALLY HAD TO EQUALIZE).

THIS IS MENTIONED TO POINT UP WHAT CAN AND "CANNOT" BE DONE WITH RESPECT TO ACCESS ROADS. WE WERE ABLE TO OBTAIN TOLL FREE DIALING TO SAN RAFAEL BY PROVING WE WERE NOT "JUMPING OVER GTE TERRITORY", EVEN THOUGH NOVATO HAD GOBBLED UP HAMILTON (LIKE THEY TRIED TO DO TO BMK). THE KEY WAS TO SHOW ON THE MAP (THOSE IN EXISTENCE THEN) THAT YOU COULD NOT DRIVE TO "SOUTH NOVATO" (HAMILTON) WITHOUT LEAVING NOVATO. THERE WAS A HALF MILE OF ROAD THAT PEOPLE HAD BEEN ASKING TO HAVE PAVED FOR YEARS (TO SAVE MILES OF A ROUND ABOUT TRIP), BUT WERE TOLD THAT IT JUST COULDN'T BE DONE. HOWEVER, WHEN THIS WAS SHOWN TO BE THE KEY TO OUR AVOIDANCE OF ENTRAPMENT BY NOVATO ON A PHONE ISSUE - WOULD YOU BELIEVE THAT THE VERY NEXT DAY AND NIGHT THAT ROAD WAS UNDER CONSTRUCTION - WHICH OF COURSE WAS TOO LATE FOR THEIR ATTEMPTED COUNTER - BUT WHICH HAS BEEN ENJOYED BY MANY EVER SINCE. FROM NOTHING, NO-WAY FOR MANY YEARS, TO AND OVER NIGHT WONDER - STRICTLY ON POLITICS!

7/7

PB-282

[illegible]

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county.

The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area should be developed. There are too many environmental impacts which can not be mitigated.

ALT-3 ALT-7 M-2 COR Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect. The text states the net fiscal impact is a gain, but the summary, Table 3.0-1, shows a loss. Correct the table.

ALT-3 The only other alternative with no unmitigated impacts is the Reduced Size Alternative with 160 homes. Why was this alternative not evaluated further? The fiscal analysis for this alternative incorrectly assumes a new fire station would be required even though the new homes would be closer to the existing fire station than many homes in Units 1-4. The net fiscal impact should be recalculated without the new firehouse, it will then show a gain.

C-8 The traffic studies that show no traffic problems associate with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Rennissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all use BMK Blvd. to Hyw. 101 without gridlock. Also, an access road through Hamilton, prior to Unit 5 construction, for relief on BMK Blvd. and emergency use is a must.

C-2

Sincerely yours,

[signature]

PB

116 CARIBE ISLE
Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

J-3 There are presently two locks for aproximately 700 homes in the existing community. That is one lock for 350 homes. Unit 5 will add only 1 lock for 1190 homes. That will result in almost 4 times the volume of traffic for the Unit 5 lock. The EIR must address the inadequacy of the proposed lock.

J-1 The proposed lagoons are not large enough for the number of new boats associated with Unit 5. There are many safety issues that need to be addressed with the proposed lagoons.

Sincerely yours,

CARL LARKIN
Alice Jean Larkin

C.410

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 The Environmental Assessment (EA) for this site concluded that development should be limited to Headquarter Hill. The EIR must explain why that conclusion was ignored and also address the issues raised in the EA.

Sincerely yours,

Susan Lattanzio
109 Bel Marin Keys

C.411

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

ALT-5 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county.

ALT-3 ALT-7 M-2 Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect so there are no potential legal problems.

COR The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss, which is incorrect. Correct the table.

Sincerely yours,

Vincent Battaglia
1092 Bel Marin Keys Blvd

RECEIVED BY
1992 NOV -2 P 4:05
MARIN COUNTY
PLANNING DEPT.

November 1, 1992

To whom it may concern,

GEN-3 This letter is in reference to Venture Corporations purposed plans for development of unit V. I am opposed to the building of 1160 new homes for a number of reasons.

First, Bel Marin Keys is a small family oriented community with a special bond of a friendship shared with all the neighbors and I am thrilled to be a resident and raise my children in Bel Marin Keys. I feel the building of 1160 new homes would change Bel Marin Keys to just any ordinary neighborhood and that special bond would be lost forever.

J-1 Secondly, I live on Sunset lagoon which is a main water-ski lagoon. Sunset Lagoon has just enough open water way to handle unit III and IV boating and watersport. The addition of 1160 new boaters would create a Lagoon unsafe for any watersport.

I have two small children and I hoped they would grow up waterskiing and boating in our backyard.

B-5 And lastly, my children have had the benefit of seeing owls, deer, skunks, rabbits, snakes, squirrels and a variety of different birds I could not even name right in our neighborhood. Mother nature in our backyard.

How unfortunate for all those animals to be uprooted from their homes or even killed just for a profit. The

A-1 environmental assessment summary states the entire site is within the historic marshland and in agricultural use and unsuitable for development.

I am opposed and hope unit V is not allowed to be developed.

Sincerely,
Debbie Capas

L-05

1275

ATTACHMENT 44

43 CANAL ISLE
Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

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C-2

Sincerely yours,

Lizette Levy

C.412

201 Canal Isle
Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county.

The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area should be developed. There are too many environmental impacts which can not be mitigated.

ALT-3 ALT-7 M-2 COR Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect. The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss. Correct the table.

ALT-3 The only other alternative with no unmitigated impacts is the Reduced Size Alternative with 160 homes. Why was this alternative not evaluated further? The fiscal analysis for this alternative incorrectly assumes a new fire station would be required even though the new homes would be closer to the existing fire station than many homes in Units 1-4. The net fiscal impact should be recalculated without the new firehouse, it will then show a gain.

C-8 The traffic studies that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all use BMK Blvd. to Hyw. 101 without gridlock. Also, an access road through Hamilton, prior to Unit 5 construction, for relief on BMK Blvd. and emergency use is a must.

C-2

Sincerely yours,

Joyce Webster Mac Kinnon

Tiffany Mac Kinnon

Bel Marin Keys, CA 94949

November 1, 1992

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Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

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COR The text states the net fiscal impact is a gain, but the summary, Table 3.0-1, shows a loss, which is incorrect. Correct the table.

Sincerely yours,

Ernest Mannello
4 Bahama Reef

C.413

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

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J-1 The proposed lagoons are not large enough for the number of new boats associated with Unit 5. There are many safety issues that need to be addressed with the proposed lagoons.

Sincerely yours,

Margaret Meeks
264 Montego Key
Novato
Ca. 94947

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C.414

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Sincerely yours,

Lucia Michels

61 Bahama Reef

Novato, CA 94949

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

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Sincerely yours,

Lucia Michels

61 Bahama Reef
Novato, CA 94949

1112 Bel Marin Keys Blvd.
Bel Marin Keys, CA 94949

November 1, 1992

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Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

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C-2 through Hamilton, prior to Unit 5 construction, for relief on BMK Blvd. and emergency use is a must.

Sincerely yours,
Kathy Hansen

cc: Supervisor Bevis

C-415

Bel Marin Keys, CA 94949

November 1, 1992

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Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

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Sincerely yours,
Elizabeth O'Donnell

153 Cambridge
Novato, Calif

Bel Marin Keys, CA 94949

November 1, 1992

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Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

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Sincerely yours,

Elisabeth Obermeier

Fred Bryant

153 Caribe Isle,
Novato, Calif

C.416

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

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C-2 through Hamilton, prior to Unit 5 construction, for relief on BMK Blvd. and emergency use is a must.

Sincerely yours,

cc: Supervisor Bevis

C.417

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

C-2 There is presently only one road into Bel Marin Keys from the Industrial Park. A second access road is essential if future developement is to occur. The existing road could be blocked by the rupture of the bridge over the Pacheco Pond outlet or by a toxic spill. The DEIR recognizes the restriction on a second access road due the flight path easement but still permits development. The EIR must address the emergency access problem and restrict development if a second road is not permitted and/or constructed.

Sincerely yours,

Helen K. Cartwright
105 Castle Dale
Novato (Bel M.K.) 94949

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 The Environmental Assessment (EA) for this site concluded that development should be limited to Headquarter Hill. The EIR must explain why that conclusion was ignored and also address the issues raised in the EA.

Sincerely yours,

Laurie Okun
89 Calypso Shores
Novato CA 94949

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

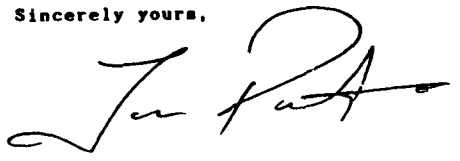
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M-2

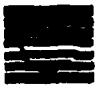
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Sincerely yours,



C.418

PB
(7/1)

10. Individuals - Letters PB-300 to PB-355 

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

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Sincerely yours,

Mark Patuska
Carol A Dermody
105 Bahama Reef

C.419

105 BAHAMA REEF

Bel Marin Keys, CA 94949

November 1, 1992

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Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

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M-2

COR

Sincerely yours,

Mark Patuska

PB-302

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

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J-1 The proposed lagoons are not large enough for the number of new boats associated with Unit 5. There are many safety issues that need to be addressed with the proposed lagoons.

Sincerely yours,

Tony Petruzzella

TONY PETRUZZELLA
100 MONTEGO KEY
NOVATO 94949

C.420

11-1-92

PB-303

Dear Sir

After many hours of reading the EIR-EIS on the unit 5 development, I have many questions and concerns.

I am sorry that I could not be here today. However some of my friends and neighbors are here to articulate their concerns, many of which I share.

Herewith, some of mine:

A-2 (1) There is a significant impact on Bayfront Conservation Zone lands. The Mitigation response of the Project Sponsor does not reduce this impact to Class II mitigable to Level of Insignificance. Action by the Marin County Board of Supervisors using Overriding Considerations, such as low & low housing

would not be sufficient in my opinion justify development of this land. The
A-2 resultant land, water and air pollution secondary to development would certainly lower the quality of the environment where I live.

2) I wonder if attention has been paid to the density of spoil removed in excavating the lagoons. Unit II
D-1 development had problems with transportation because the spoil was heavier than expected and the extra weight caused excessive wear on the truck transmissions.

C.421

3) Thus far I remain unconvinced, as do many of us, that Ventures
C-2 Corporation promises to relieve traffic on Highway 101 at Balk will be carried out. Access roads from Hamilton and To Highway 37 remain unfulfilled promises

C-3 light rail remains in the fantasy stage. Will we then become a boat community like Venice? Is that how we
CN relieve traffic on 101? caused we have transportation consultants ?

4) I have heard that the toxic dump at Hamilton has nothing to do with the Unit V plan. I submit
J-10 that its effects are very much a concern. The mitigation summary says it's a class III. Do we know the effects of leaching of the chemicals at the dump at the plant, wildlife and people living nearby.?

5) A summary of the EIR-EIS and a system of wide distributions is needed
GEN-1 To allow citizens throughout the County to become better informed. The existing EIR takes too long to read for the average citizen.

(c) The impact of these changes, cumulatively on plant, wildlife and people has not been assessed in its entirety.

B-5 Detailed assessment has been attempted, but the total impact has not been detailed. For this I have some questions as to the validity of the assessment.

Some comments about bird-life sound grotesque Eg. – The osprey. I haven't seen one in Marin in 20 years, certainly not in Bolinas and I've lived here for 13 years. Peregrine falcons don't hang around here but do their thing at higher altitudes,

B-5 requiring cliffs and tall trees to survey their prey, pigeons. Well we don't have any pigeons here, either. We have white-tailed kites, harriers, black-crowned night herons, two kinds of egrets, terns, gulls, cormorants and ducks and geese and blackbirds and finches and swallows ("cliffies") and crows and ravens, but no

B-7 osprey, golden eagles, bald eagles or peregrine falcons. Occasionally we see a Cooper's Hawk. I would like

B-5 to see a biological consultant assess the impact on birds, rodents and other mammalians.

Thank you

Jean M. Pouteau M.D.

Jean M. Pouteau, M.D.
84 Bahama Reef
Novato, CA 94949

C.422

128 PARADISE
Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

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Sincerely yours,

JOHNNY PYE

Bel Marin Keys, CA 94949

November 1, 1992

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Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

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M-2

COR

Sincerely yours,

29 Bahama Reef

Bel Marin Keys, CA 94949

November 1, 1992

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3501 Civic Center Drive, Room 319
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Sincerely yours,

Patricia Rowe
29 Bahama Reef

C.424

Question and Comments on Bel Marin Keys Unit 5 Draft EIR/EIS

PD-1 1. How many of the 1,190 planned residences would have docks?

J-1 2. If most these houses with docks have a water craft what would be the effect on the water recreation in the lagoon area?

E-5 3. If there was an increase in the number of motorized water craft what would be effect on the water quality in the lagoon areas?

PD-1 4. How many boats can be docked in the Marina next to the shopping area? Are those opened to the public or use of the Bel Marin Keys residences only?

PD-1 5. Where is the retractable bridge located?

B-9 6. What effect will the phasing of habitat areas (2.21) have on existing wildlife?

CUM-3 6. Is there a need for two golf courses in such close proximity (BMK and Renaissance Faire property? Which one would be preferable environmentally?

A-2 G-3 7. Was the increase in motorized boat traffic considered in Policy A-4(pg 4.15) in regard to noise pollution?

A-2 8. Policy A-13 (pg. 4.19) was the increase in boat traffic considered .

C-1 9. Policy D-7 (pg. 4.36) Ferry System. How does this change with the letter from Sonoma County Department of Planning date Aug. 12, 1992 regarding the use permit for ferry service from Port Sonoma?

C-4 10. Transit Service (pg. 5.65) Would bus service be planned for BMK community? If so what effect would it have on the circulation system in BMK?

C-1 11. pg. 5.67 - Larkspur Ferry schedule is incomplete.

CN C-5 12. Pg. 5.67 Park and ride lot at Alameda Del Prado interchange is currently filled to capacity and overflow is parking on city streets. It should be noted here that the park-and-ride lot cannot serve any additional commuters.

C-8 13. Was the drive through traffic from Sonoma County considered in the Cumulative Development as it would effect traffic on Hwy 101 (especially at the Hwy 37 interchange)?

D-1 14. What long term mitigation is the project sponsor purposing for differential settlement within the project? (if residences 3 to 5 feet after 50 years who is responsible for necessary repairs?)

D-1 15. Who would be responsible for infrastructure repair due to settlement of fill? (short term and long term)

K-3 16. There needs to be more information on how this project and the cumulative impact of a project at Hamilton would effect the Novato Schools in this area (elementary, middle and high school).

Deborah Rowland 11-1-92

17 CACIQUE ISLE
NOVATO, CA.

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

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C-2

Sincerely yours,

C.425

Bel Marin Keys, CA 94949

November 1, 1992

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Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

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Sincerely yours,

SHAHEN SARKISSIAN
37. CALYPSO SHORES.

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

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Sincerely yours,

Linda Schenkel
3431 N. St Helena Hwy
St. Helena Ca
94574

C.426

PB-311

10 Dolphin Isle
Novato, CA 94949
November 1, 1992

RECEIVED BY
NOV -2 P 3:39
MARIN COUNTY
PLANNING DEPT.

Marin County Planning Department
Attention: Mr. Tim Haddad
3501 Civic Center Drive, Rm. 308
San Rafael, CA 94303

U.S. Army Corps of Engineers
Attention: Ms. Susan Ryan
San Francisco Branch
211 Main St.
San Francisco, CA 94105

Dear Mr. Haddad and Ms. Ryan:

C.427

Introduction:
We submitted comments regarding the BMK Unit 5 project prior to the first public review of the draft EIR/EIS. We noted then that the Unit 5 project was too large and would generate too many significant and undesirable environmental impacts, and that any project presented a serious problem in terms of access. We suggested that another alternative, the Balanced Alternative, be evaluated in detail in the final EIR/EIS. This alternative would have far fewer dwelling units than the Mitigated Alternative. It could have a modest increase over the Reduced Alternative if its environmental impacts are only slightly greater than those of that alternative, and if offset by the community amenities it would provide.

ALT-5

ALT-4

Since then, we have obtained additional information regarding the project. We have summarized below the key additional points that should be considered in the final EIR/EIS.

United States Environmental Protection Agency Report
Just last month, the United States Environmental Protection Agency (EPA) sent a report to the US Army Corps of Engineers regarding Unit 5. We cite below comments from the report with which we are in strong agreement and which are most relevant to the project:

Project Alternatives:
"We note that the Mitigated Project Alternative would reduce the level of significance for 6 impacts when compared to the Proposed Project. The Reduced Size Alternative would eliminate or reduce the significance of 55 impacts when compared to the Mitigated Project Alternative. It appears from the information provided in the DEIS that the Reduced Size Alternative would be the only build alternative that would (with mitigation) be consistent with the BAAQMD's 1991 Clean Air Plan; the only build alternative which would not convert "potentially prime agriculture land to other uses,

ALT-3

ALT-3

ALT-3
B-7

and thus be consistent with the FPPA; and the only build alternative to reduce the loss of "special species habitat" to the level of insignificance. With this in mind, we recommend that the project proponent reconsider the Reduced Size Alternative as the alternative of choice."

Dredging:
"The Federal Guidelines (CFR 230.10(a)) state that no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge that would have less adverse impact on the acquatic system, so long as the alternative does not have other significance adverse environmental consequences. To comply with this section of the Guidelines, the proponent of the Bel Marin Keys Unit 5 project must demonstrate that the proposed project alternative represents the least damaging practical alternative based on cost, logistics and technology. Although the project proponent has submitted an alternative analysis to EPA and the Corps, it has not yet clearly demonstrated that the proposed project is, in fact, the least damaging alternative. The project proponent must demonstrate this before the Corps can permit the placing of fill in wetlands at this site."

A-4

Clean Air Act:
"It is apparent that the only build option that would be consistent with the Bay Area Quality Management District's 1991 Clean Air Plan is the Reduced Size Alternative. It also appears that none of the build options with the questionable exception of the Reduced Size Alternative would meet the statutory requirements of article 176C of the Clean Air Act."

F-1

"The proposed project does not meet the statutory requirements for conformity as outlined in article 176 (c) of the Clean Air Act. Should that be the case, the CAA states that no department, agency or instrumentality of the Federal government shall engage in, support in any way or provide financial assistance for license, permit, or approve any activity which does not conform to an implementation plan after it has been approved or promulgated under article 110."

Clean Water Act:
"The DEIS does not demonstrate that the proposed project is the least damaging practicable alternative as required by Article 404 of the Clean Water Act. Consistency with the Farmland Protection Policy Act has not been demonstrated. The only build option which would reduce the loss of special species habitat to a level of insignificance is the Reduced Size Alternative."

A-4

ALT-7

ATTACHMENT 00.

PB-311

ALT-3

Ferry Service:
"The DEIS raises a very good point concerning the proposed (single trip) ferry service at Port Sonoma...The discussion notes that funding for this proposal also remains "undetermined". The DEIS should discuss this transit proposal in more detail, especially since it is being proposed as a mitigation measure to help alleviate traffic congestion. The DEIS should include a map which shows the location of Port Sonoma-Marin and the route of the proposed ferry and shuttle, and should proved additional details on the anticipated light rail system; e.g., how feasible is this system and what is the probability of placing such a system in service within the near future?"

C-1

FD-1

Sonoma County Letter
At the first hearing we heard, during the meeting in fact, that Sonoma County had submitted a letter re Unit 5. We have since obtained a copy of the letter, dated August 12, 1992. We cite below comments from the letter with which we are in strong agreement and which are most relevant to the project:

"The loss of wetlands and land that could be restored to wetland is identified as significant and unavoidable. There does not appear to be a public benefit of the project that could be used as a basis for a Statement of Overriding Considerations. By all appearances, this does not appear to be a good location for urban development as the site is detached from any of Marin County's urban communities."

A-2

"The proposed start-up ferry at Port Sonoma is not consistent with the Sonoma County General Plan. The project is not justified as a mitigation for the proposed subdivision impacts on transportation...Obviously, the provision of ferry service from Port Sonoma could and probably would have growth-inducing effects upon Sonoma County. Given this likelihood, the County is unlikely to approve a General Plan amendment and use permit for such ferry service from Port Sonoma."

A-3

Clearly, the final EIR must address the concerns and opinions of Sonoma County. Let us no longer assume that the ferry is a valid transportation mitigation.

City of Novato letter re Hamilton
This letter, dated October 19, 1992, discusses the NOP for a draft EIR for Hamilton Field. Two alternatives will be evaluated:

Alternative 1:
1,030 single family units, 370 multi-family units, and 1,200,00 sq. ft. of retail, office, and light industrial space.

Alternative 2:
1,195 single family units, 455 multi-family units, and 685,000 sq. ft. of retail, office, and light industrial space.

CUM-1

It is most important that the final EIR/EIS for Unit 5 not be completed in a vacuum. It is vital that the Hamilton project and any other significant development in the immediate area be considered in the final EIR. The cumulative impacts, especially as regards to transportation, air quality, and other environmental factors must be addressed in a cohesive fashion. We need integrated planning!

Thank you for this opportunity to comment again on this complex and extremely significant proposed development project.

Sincerely,

David F. & Elaine F. Sowers
10 Dolphin Isle
Bel Marin Keys

cc:
Ms. Brady Bevis, Marin County Supervisor
Mr. Mark Riesenfeld, Director Marin County Planning
Ms Ann Crowder, BMK CSD/PAB

[illegible]
Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for the project sponsor, the county, and the Corps.

A-1 The Draft EIR/EIS should explain in detail how 900 homes can be allowed on the Unit 5 site when the Environmental Assessment concludes that only the hill area should be developed. There are too many environmental impacts which can not be mitigated.

ALT-3 ALT-7 M-2 COR Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect. The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss. Correct the table.

ALT-3 The only other alternative with no unmitigated impacts is the Reduced Size Alternative with 160 homes. Why was this alternative not evaluated further? The fiscal analysis for this alternative incorrectly assumes a new fire station would be required even though the new homes would be closer to the existing fire station than many homes in Units 1-4. The net fiscal impact should be recalculated without the new firehouse, it will then show a gain.

C-8 The traffic studies that show no traffic problems associated with 900 new homes need further evaluation. There is no way that the traffic from the Hamilton and the Renaissance Developments, the Industrial Park at full occupancy, and BMK with Unit 5 can all

C-2 use BMK Blvd. to Hyw. 101 without gridlock. Also, an access road through Hamilton, prior to Unit 5 construction, for relief on BMK Blvd. and emergency use is a must.

Sincerely yours,

[illegible]
Hamilton Retiree

[illegible]
[illegible]
[illegible]
Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

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[illegible]

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

A-1 The Environmental Assessment (EA) for this site concluded that development should be limited to Headquarter Hill. The EIR must explain why that conclusion was ignored and also address the issues raised in the EA.

Sincerely yours,

Lorna J. Huertz
16 Bahama Reef

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

Dear Mr. Haddad:

ALT-5 This project is much too large and the impacts are too great; the project should have been denied after the Environmental Assessment to save time and money for both the project sponsor and the county.

ALT-3, ALT-7, M-2 Why is the Open Space/Agriculture Alternative not the Mitigated Alternative since there are no unmitigated impacts and the net fiscal impact is a gain? The site has sufficient value for agriculture to warrant rezoning for agriculture and the project sponsor purchased the land after the environmental restrictions were in effect so there are no potential legal problems.

COR The text states the net fiscal impact is a gain, but the summary, Table 3.D-1, shows a loss, which is incorrect. Correct the table.

Sincerely yours,

Lorna J. Huertz
16 Bahama Reef

[illegible]

Bel Marin Keys, CA 94949

November 1, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 319
San Rafael, CA 94903

Subject: Draft EIR/EIS for Bel Marin Keys Unit 5

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Sincerely yours,

[signature]

cc: Supervisor Bevis

C.431

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Rm. 802
San Francisco, Ca. 94105

Dear Mr. Haddad, and Dr. Ryan:

As a Bel Marin Keys Resident and homeowner, I welcome the opportunity to comment on the Unit 5 Environmental Impact Report.

CN I concur with all the issues raised by the BMK CSD regarding traffic, water and neighborhood safety, impacts on the environment and the quality of the lagoon waters, as a result of Unit 5, and I trust that you will insure that all these issues are covered in the Final EIR.

In addition to the issues raised by the CSD, I feel that the EIR has inadequately addressed the potential impact of the hazardous wastes located adjacent to the Hamilton AFB landing strip.

The threat from toxic substances is of major concern to all residents of BMK, and deserves a complete in depth study to

J-10 adequately substantiate or refute the EIR's conclusion that the impact from toxic waste located on Hamilton is "insignificant".

The EIR must include a detailed list of the materials present on the Hamilton Hazardous Materials Site. It should include levels of the listed materials and the remediation method that will be used on the site, a detailed map showing the extent of present contamination, and the probability of and direction of lateral migration of the materials present.

I feel that the impacts from the toxic wastes are significant enough to be more thoroughly addressed in the final EIR. Please insure that they are.

Sincerely,

(ANGELONIDES)

Peter & Arlene Angelonides
115 Del Oro Lagoon
Novato Ca.

PB
1/91

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive,Room 308
San Rafael, Ca. 94903 4157

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Sincerely,

Peg Atherton

cc: Bel Marin Keys CSD
Marin County Supervisors

Peg Atherton
1169 Bel Marin Keys Blvd
Novato CA 94949
382-8618

C.432

Mr. Tim Haddad,Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street,Rm. 802
San Francisco,Ca. 94105

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I feel that the impacts from the toxic wastes are significant enough to be more thoroughly addressed in the final EIR. Please insure that they are.

Sincerely,

415 Montego Key

C.433

Mr. Tim Haddad,Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street,Rm. 802
San Francisco,Ca. 94105

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I feel that the impacts from the toxic wastes are significant enough to be more thoroughly addressed in the final EIR. Please insure that they are.

Sincerely,

Victoria W. Cuche
106 Del Cir. Lagoon

Mr. Tim Haddad
Marin County Planning Dept.
3501 Civic Center Dr.,Rm.308
San Rafael, Ca. 94903

Dr.Susan Ryan
Army Corps of Engineers
211 Main St. ,Rm 802
San Francisco,Ca.94105

Dear Mr. Haddad, and Dr. Ryan;

I am a Bel Marin Keys resident and homeowner I welcome the opportunity to comment on the BMK Unit 5 Draft EIR.

I concur with the EIR's assessment that under the Proposed Project (1190 homes), the Mitigated Project (900 homes), and the Status Quo (800 homes) there are Class I impacts on the environment, ("Unavoidable Significant Impact or Potentially Unavoidable Significant Impact after implementation of mitigation measures.") which include:

- -loss of historic baylands
- -loss of seasonally important feeding areas
- -reduced wildlife resource values due to human activity
- -loss of regional oat hay production
- -conversion of prime agricultural land to other uses.

However the EIR should explain in detail the mitigation measures necessary under the Mitigated Project (900 homes) to change the following Class I impacts of the Proposed Project, to Class II impacts ("Significant or Potentially Significant Impact that would be less than significant after mitigation measures") of the Mitigated Project.

ALT-3

1. LAND USE
   - -Urban Development of Bayfront Conservation Zone
   - -Zoning Reclassification
2. BIOLOGY
   - -Loss of jurisdictional wetlands
   - -Conversion of existing wildlife habitat to development uses.
3. AESTHETICS,LIGHT AND GLARE
   - -Obstruction of senic view

All of the Class I and Class II impacts listed above, are considered Class III ("Insignificant Impact Mitigation Measures not Required) for the Open Space/Agricultural Alternative. Therefore the DEIR should explain in detail why this is not the alternative of choice.

Sincerely,

Marc Cohen
25 Calypso Shores

J R. COLEMAN & CO.
SINCE 1948

Real Estate
Brokerage - Consultation - Development

PB-322

November 2, 1992

Planning Commission
County of Marin
Marin Civic Center

RE: BEL MARIN KEYS UNIT 5

Gentlemen:

The primary function of sound planning is to ensure that the subject will not be detrimental to the Public Welfare or to be injurious to surrounding property and this is as it should be.

Any new development can cause inconvenience but should not be detrimental to existing situations if offsetting or mitagating alternatives can be placed into effect.

I am a 15 year resident of Bel Marin Keys and have spent just about all of my working life in the real estate business and have been instrumental in creating finished products from raw land and have observed this taking place in many areas.

It is true that the development of Unit 5 in Bel Marin Keys will cause changes in the lifestyle of the adjacent areas but it does seem that the Developer is attempting to meet the demands that are being put upon the Company.

A large and important concern is traffic volume but that is why there are professional Planners to design reasonable measures to accomodate potential problems.

The one major item, particularly in the present and forseeable future, that is rarely mentioned but should be a vital part of the Planning Process is, for lack of better words, the Economic Enrichment, that Unit 5 will bring to Marin County.

At present the approximate 700 homes in Bel Marin Keys have a Net Taxable Value of about $131,000,000 which yields just about $2,000,000 in Tax Revenue each year to the County.

CN Tax Revenue is vitally important to the County for the many services that must be provided and that are facing curtailment and a long hard look should be given to what can be obtained from the proposed completion of Bel Marin Keys.

I believe that the County Assessor's Office would reasonably accept the fact that the proposed neighborhood shopping center would have a completed value of about $5 Million and that the Golf Course somewhere in the $20-$30 Million range and that each new home added wll have a value of somewhere around $500,000 each.

60 BAHAMA REEF • IGNACIO, CALIFORNIA 94949 • (415) 883-6344

C.434

 PB-322

N-1 The "Fiscal Economics" section of the Draft EIR does not begin to address this singu lar and most vital topic.

Bel Marin Keys is Unique - that is our slogan.

There is a chronic ongoing need to keep our waterways dredged which is an expense that is significantly increased by restraints concerning the environment.

E-3 There is an anticipated need to dispose of approximately 400,000 cubic yards of dredge spoils which could be accomodated by having a permanent spoils site in the open area of Unit 5 from which aged material can be taken for use elsewhere. This still does leave open space on which salt tolerant vegitation can grow and which would provide animal habitat this satisfying a need.

GEN-3 Others will talk about the the pleasant amenities that we residents now enjoy and want to expand so that others may also and I really do not think that any real concern can be levied that the creation of more open water is detrimental to eitherour or wildlife's well being.

We do need to be saved - "from us" as pointed out in the other enclosure to this letter which is a photocopy of a newspaper article by Mr. Bianchi from the Independent Journal.

Very truly yours,

J. R. Coleman

cc: BMK CSD
Marin I-J

BEL MARIN KEYS ASSESSED VALUATION SUMMARY

JAMES J. DAL BON 1988-89 A S S E S S M E N T R O L L COUNTY OF MARIN
ASSESSOR-RECORDER BEL MARIN KEYS RUN DATE: 3/14/89

GRAND TOTAL TAXABLE 706

ASSESSED VALUES : LAND 37,868,488
IMPROVEMENTS 74,969,065
PERS. PROP.
EXEMPTIONS 3,637,000
NET TAXABLE 109,196,553+ RAP-BOOK = 999

1990-91 A S S E S S M E N T R O L L -
RUN DATE: 7/12/90

ASSESSED VALUES : LAND 46,846,297
IMPROVEMENTS 81,592,030
PERS. PROP.
EXEMPTIONS 3,649,300
NET TAXABLE 124,788,527+

1992-93 A S S E S S M E N T R O L L -
RUN DATE: 7/20/92

ASSESSED VALUES : LAND 51,406,704
IMPROVEMENTS 82,722,310
PERS. PROP.
EXEMPTIONS 3,241,000
NET TAXABLE 130,888,014+

PB-322

A6 ■ Monday, September 17, 1990 Marin Independent Journal

OPINION

Peter A. Horvitz, Publisher
Catherine Shen, Associate Publisher
Jay Silverberg, Managing Editor
Barbara Morgan, Assistant Managing Editor
Deborah Gump, Executive News Editor
Nels Johnson, Associate Editor
George R. Nevin, Editorial Page Editor 382-7302

Marin County needs to be saved — from us

ALBERT BIANCHI



SAVE MARIN County — from overdevelopment — from Los Angelization — from overpopulation — and from all those other nasty things!

That lusty battle cry, or some variant of it, can be heard at almost any meeting of our planning commissions, city councils and Board of Supervisors.

It's not a bad little slogan, either. It reflects a cherished point of view and, over the years, may even have helped to keep our county a very special place.

But the other hand, what are we really talking about? What is it that is left to "save" from — that dirty word again — development? You know what I mean — development that would allow more houses such as those in which we now live, and maybe even a few for people who can't afford the houses already here.

Would it surprise you to learn that, of all the land in Marin County, only 12.3 percent is privately owned and not restricted against development? Well, then, be surprised, because it's true.

That 12.3 percent includes the land that is already developed, as well as the small amount that remains undeveloped. (The North Bay Transportation Management Association estimates that only about 3 percent remains for development.)

The largest segment (45.5 percent) of our county is in public use, another 14.3 percent is water and almost 25 percent is restricted by agricultural preserve contracts and private open space contracts. (Incidentally, don't take my word for this. The information comes directly from the office of the Marin County Assessor-Recorder.)

Meanwhile, we continue to spend millions for planning and carrying out land-use laws and regulations. In April of this year, a workshop was presented by the Marin County Planning Department as the first of several meetings that will lead to a major revision of the Marin County General Plan. This is required by state law.

The purpose of the general plan is to chart the county's growth and development. At the workshop, six different scenarios were presented, and county Planning Director Mark Riesenfeld was quoted as saying that by the year 2010, each scenario would cost the county (taxpayers) from $468 million to $568 million more in new facilities and services than it would generate in revenues. A half billion dollars is a place where almost all of the land that can be built on is already fully built out!

At the same time, businesses are streaming out of Marin at a far more rapid rate than any sensible person would like to see. According to a survey by a major commercial real estate firm, Marin has already lost business tenants that, at one time, occupied 892,000 square feet of commercial space; San Rafael alone has lost 313,000 square feet.

Most of these businesses would have preferred to remain here, but in many instances their needs were met with monumental indifference.

Oh, yes, "Save Marin County" — please. From us. We can't afford too much more saving.

■ ■ ■

RELATIVE MARIN GROWTH NOT AS RAPID CENSUS BUREAU

Where is the "explosive and uncontrolled" growth that's supposedly been taking place in Marin? Census figures don't show it. The greatest statewide increase of 25.8% in population between 1980 and 1990 occurred in Riverside County. The next highest increase of 23.8% occurred in Orange County. Marin's growth rate of 2.1% was one of the lowest in California for the past ten years, about 1/12 the statewide rate. The local growth rate has also been less than 1/2 that of the eleven cities actually within the county. The cities have diligently applied a variety of growth controls, and the environmental organizations that claim runaway growth will take place if water becomes available have successfully blocked the only source. In addition, the County Assessor and Planning Department are made up of the SAME county that could even be

PB-322

Mr. Tim Haddad,Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street,Rm. 802
San Francisco,Ca. 94105

Dear Mr. Haddad, and Dr. Ryan:

As a Bel Marin Keys Resident and homeowner, I welcome the opportunity to comment on the Unit 5 Environmental Impact Report.

CN I concur with all the issues raised by the BMK CSD regarding traffic,water and neighborhood safety, impacts on the environment and the quality of the lagoon waters, as a result of Unit 5, and I trust that you will insure that all these issues are covered in the Final EIR.

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J-10

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I feel that the impacts from the toxic wastes are significant enough to be more thoroughly addressed in the final EIR. Please insure that they are.

Sincerely,

276 Montego Key, Novato Jean F Deconnick

C.436

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive,Room 308
San Rafael, Ca. 94903-4157

Dear Mr. Haddad:

CN I concur with all the issues raised by the BMK CSD regarding traffic,water and neighborhood safety, impacts on the environment and the quality of the lagoon waters, as a result of Unit 5, and I trust that you will insure that all these issues are covered in the Final EIR.

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Sincerely,

Herb & Jan Strebeck

cc. Bel Marin Keys CSD
Marin County Supervisors

Mr. Tim Haddad,Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street,Rm. 802
San Francisco,Ca. 94105

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CN I concur with all the issues raised by the BMK CSD regarding traffic,water and neighborhood safety, impacts on the environment and the quality of the lagoon waters, as a result of Unit 5, and I trust that you will insure that all these issues are covered in the Final EIR.

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I feel that the impacts from the toxic wastes are significant enough to be more thoroughly addressed in the final EIR. Please insure that they are.

Sincerely,
Robert A. Falk
82 Calypso Shores
(Cynthia A. Jaden)
82 Calypso Shores

Mr. Tim Haddad,Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street,Rm. 802
San Francisco,Ca. 94105

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Sincerely,
Robert A. Falk
145 Montego Key
Novato Ca 94949
Cynthia Jaden 145 Montego Key

(J-37)

Mr. Tim Haddad
Marin County Planning Dept.
3501 Civic Center Dr.,Rm.308
San Rafael, Ca. 94903

Dr.Susan Ryan
Army Corps of Engineers
211 Main St. ,Rm 802
San Francisco,Ca.94105

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-loss of historic baylands
-loss of seasonally important feeding areas
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-loss of regional oat hay production
-conversion of prime agricultural land to other uses.

ALT-3

However the EIR should explain in detail the mitigation measures necessary under the Mitigated Project (900 homes) to change the following Class I impacts of the Proposed Project, to Class II impacts ("Significant or Potentially Significant Impact that would be less than significant after mitigation measures") of the Mitigated Project.

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   -Zoning Reclassification
2. BIOLOGY
   -Loss of jurisdictional wetlands
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3. AESTHETICS,LIGHT AND GLARE
   -Obstruction of senic view

All of the Class I and Class II impacts listed above, are considered Class III ("Insignificant Impact Mitigation Measures not Required) for the Open Space/Agricultural Alternative. Therefore the DEIR should explain in detail why this is not the alternative of choice.

Sincerely,

Nicole Yelp
141 Montego Key
Novato Ca 94949

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Marin County Planning Dept.
3501 Civic Center Dr.,Rm.308
San Rafael, Ca. 94903

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Army Corps of Engineers
211 Main St. ,Rm 802
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Sincerely,

Melissa Fontana
83 DEL ORO Dragoon

Submitted at ...
11/2/92

PB-329

Dr. Susan Ryan
Regulatory Functions Branch
U.S.Army Corps of Engineers
211 Main Street
San Francisco, CA 94105

November 2, 1992

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, CA 94903

SUBJECT: Response to the Draft Environmental Impact Statement/ Environmental Impact Report (DEIS/EIR) for Bel Marin Keys Unit 5.

I am a member of the Bel Marin Keys Planning Advisory Board and, as such, have read or heard essentially every comment offered for public record on the DEIS/EIR. While this sizeable and articulate commentary has probably touched on every legitimate issue, I wish to express my personal viewpoint, and will do it in terms of a summary of those issues which I feel are most important for consideration in the Final EIS/EIR.

1. ISSUES NOT COVERED BY THE DOCUMENT:

A. Traffic on Bel Marin Keys Boulevard. There was no mention of this in the document, even though I estimate the Proposed Project would increase traffic volume east of Hamilton Drive by about six times. The two lane portion of the road, from Hamilton Drive to the community entrance gate, is the only vehicular access to Bel Marin Keys. Its closure due to flooding, fire, earthquake, etc., would isolate the community from access by emergency vehicles, while preventing escape by the residents. Furthermore, the intersection of Bel Marin Keys Boulevard with the proposed Unit 5 entrance road is deserving of special consideration, yet was not mentioned in the document. C-10 C-2

The Final EIS/EIR should include an analysis of the traffic on Bel Marin Keys Boulevard (our "umbilical cord"), including its intersection with the Unit 5 entrance road, a hazards assessment and required mitigations.

B. Environmental Assessment: This document was prepared prior to the EIS/EIR at the County's direction, and was endorsed by the County at its completion. The EA concludes, among other things, that the Unit 5 site is basically unsuitable for development and should remain in its present uses. (I note that this opinion is shared by the Sonoma County Planning Department). The Marin County Planning Department indicated that the findings and conclusions of the EA be included in the EIS/EIR, but this did not happen. The Final document should address the EA or explain why it is omitted. A-1

C. Financial Risks to Residents. Local experience has shown a propensity for 'unexpected' delays in project construction. These can be caused by bankruptcy, strikes, inability to get funding or required approvals or permits, material shortages, N-5

or a host of other situations. The Proposed Project has a construction schedule extending over nine years at the minimum. It is not unreasonable to assume this could be ten to twelve years or more, even without exceptional delays. While this extended construction period will have severe nuisance impacts on the existing residents (noise, dust, traffic, etc.), it is also likely to jeapordize property values as well, particularly if construction halts or delays are experienced. These adverse impacts should be analyzed in the Final document. N-5

D. Water Consumption: This impact must have been overlooked in the scoping process, for no mention is made of water consumption as depletion of a valuable natural resource. The Proposed Project would use 925 acre-feet per year. If golf course irrigation uses recycled water, as proposed, the consumption is reduced to 520 acre-feet per year - still a lot of water in a drought-prone location. The Final EIS/EIR should note the relationship of water consumption to project size and composition, and evaluate the impacts accordingly. K-6

2. ISSUES INADEQUATELY COVERED:

A. Financial Impact on Community Services District. The document accurately acknowledges increased operational costs for the Bel Marin Keys CSD (Impact K-11), and implies additional costs in other areas (Impacts B-5, B-6, K-1 and K-12), but these costs are not quantified in any way. It is clear that the Proposed Project would not only increase the need for normal operations and maintenance, but would introduce several new cost factors, including monitoring and maintenance of the seasonal marsh/agricultural land, management and pumping of the managed mudflat/shorebird habitat, increased dredging of the lagoons and Novato Creek, increased flushing of the lagoons, and perhaps, provision of backup to the County Sheriff Department for maintenance of water safety and security. These costs should be identified more clearly and quantified, to the extent possible, in the Final document. N-2

B. Secondary Access to Site: The importance of securing secondary access to Bel Marin Keys cannot be over-emphasized, as witnessed by the number of comments on this issue. Although the Draft EIS/EIR provides a discussion of the impacts and proposes mitigations, it fails to specify the need for environmental analysis of the two candidate routes, as well as the fact that the rights-of-way are owned or controlled by several agencies independent of the County or other government. Acquisition of either route appears highly uncertain, yet these are offered as "mitigations" for emergency access to Bel Marin Keys. The Final document should include the necessary environmental analysis of these routes within its scope. C-2

C. Public Access to Lagoons: The document adequately describes the potential for increased safety and security problems to Bel Marin Keys residents, resulting from increased public access to the lagoons. It classifies these impacts as level III, however - "insignificant", and offers no mitigations. These impacts are among the most sensitive of any discussed at the public meetings held here. While some relief could be provided by the project sponsor, through redesign of the waterways and their shoreline (this has been offered), I feel that the impact level should be raised to II for this issue.

J-6

D. Alternatives Analysis: Much has been said of this section, and I agree that it needs substantial rework:

1) There are too many alternatives that aren't worthy of consideration (ex: "Higher Density"), and a need for a new alternative of size somewhere between the "Mitigated Design" and "Reduced Size" alternatives.

ALT-4

2) All alternatives included should be studied at the same level of detail, and should have some sort of schematic layout provided, for facilitating comparitive analysis.

ALT-3

3) Two additional alternatives were considered but rejected from discussion: Locating the commercial retail facilities off site, potentially within the existing Bel Marin Keys industrial park, and; a single lagoon alternative that would avoid filling of wetlands. Both alternatives appear to have some merit, perhaps could be incorporated into revised existing or newly developed alternatives. It should be noted that many residents of Bel Marin Keys are not thrilled with the prospect of a shopping center in Unit 5. The traffic analysis states that the retail commercial facilities contribute 52% of the total traffic generated by Unit 5, and implies that most of this would come from patrons living outside of Bel Marin Keys. Additionally, the EIS/EIR should consider that location of these facilities in the BMK industrial park could prove very beneficial to the economic profile of that area, which now has a high vacancy rate.

ALT-4

E. Flood Control: Of the two options presented in the document for flood control, the one proposing routing of flood waters through the existing lagoons, is unacceptable to all residents of Bel Marin Keys who have any knowledge or experience with this issue. The Final document should seek another alternative or go with the other option, i.e. Novato Creek.

E-2

F. Water Quality: The Draft EIS/EIR discusses potential degradation of water quality as a result of increased flushing, flooding, sedimentation, construction activities, increased boating operations, golf course maintenance, and flood control operations, but neglects to consider the effects of inadequate

E-1
E-6

C.440

flushing action due to project design. The 270% increase in total water area, from 270 to 733 acres, is proposed to be managed with only one additional lock - a 50% increase over existing facilities. It is quite possible that the new lagoons could not be adequately flushed within the time frame alloted by tidal activity. This would result in severe degradation of water quality throughout all the lagoons south of Bel Marin Keys Boulevard.

E-1
E-6

Recommend that the Final document examine this situation in detail, perhaps through modelling. If Unit 5 were built as proposed, and lagoon flushing could not be managed adequately, the results would be catastrophic.

G. Traffic Mitigations: In addition to the secondary access issue discussed above, two other traffic mitigation issues are presented, which are practically infeasible. The proposed San Francisco ferry service from Port Sonoma-Marin would offer little actual mitigation to this project (338 commuters daily), would require its own EIR, and is opposed by the County of Sonoma, as evidenced in its letter of August 12, 1992. Likewise, the likelihood of realizing a light rail transit system in the proposed corridor seems quite low. These "mitigations" should receive no credit against the impacts.

C-1
C-3
C-9

H. Public Safety and Security: The Public Safety section (5.J) of the document discusses (very briefly) the potential for water-related accidents due to increased use of the waterways, but rates this impact as level III, "insignificant", and offers no mitigation. This issue is closely tied to that described in paragraph 2.C above, "Public Access to Lagoons", and is an equally sensitive issue with the residents of Bel Marin Keys. It is clear to us that the design of the Proposed Project would generate much increased boating and skiing activity in the existing lagoons, with the attendant problems of water safety and security. The project sponsor has agreed to consider redesign of the project to provide larger water recreational areas within the new lagoon system. We have not seen this approach, however, and it should not be considered in preparation of the Final EIS/EIR. This issue should be classified as level II, with mitigations provided.

J-1
J-6

3. CONCLUSION: In its response to review of the DEIS/EIR, the EPA stated that"the project sponsor has not yet clearly demonstrated that the proposed project is, in fact, the least damaging alternative." The Draft document concludes that, in fact, the "Reduced Size" alternative is the least environmentally damaging of all; yet this conclusion is weakened by the premise that the Reduced Size alternative is not one of the "primary" group that was examined in detail. This issue should be clarified in the Final EIS/EIR.

ALT-3

Thank you for the opportunity to review this important document.

Robert W. Forsyth, AICP

C.441

Mr. Tim Haddad
Marin County Planning Dept.
3501 Civic Center Dr.,Rm.308
San Rafael, Ca. 94903

Dr.Susan Ryan
Army Corps of Engineers
211 Main St. ,Rm 802
San Francisco,Ca.94105

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Sincerely,

Margaret Jarman
1133 Bel Marin Keys Blvd

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive,Room 308
San Rafael, Ca. 94903-4157

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C-2 The Traffic impacts from the Unit 5 development are NOT adequately addressed in the EIR. Particularly the fact that Bel Marin Keys Blvd. would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land that is not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Margaret Jarman
1133 Bel Marin Keys Blvd

cc. Bel Marin Keys CSD
Marin County Supervisors

November 2, 1992

To the Marin County Planning Department:

CN I am writing in support of the construction of the Bel Marin Keys Unit V Project. I am a native Marin County resident. It saddens me deeply that I am unable afford to buy a home near my family in the county that I grew up in.

O-1 O-2 As recent college graduates and newlyweds, my husband and I feel as though we are trapped: we don't want to rent forever but know the high price of homeownership in Marin is currently out of our grasp. As young professionals just starting our careers, Unit V's First Time Buyer Program could be our only hope for achieving our dream. If programs such as this one are not made available, we will be forced to leave the County, and even the state to seek a more favorable housing market.

I know I speak for myself and my friends when I say that unless there are more affordable developments like Unit V built soon, there may be other professional young couples moving away from Marin County to more affordable areas to follow their dream of homeownership.

Sincerely,

Lisa Gilkey

Lisa Gilkey
1500 Lincoln Village Circle
Apartment 2124
Larkspur, California 94939

C.442

Mr. Tim Haddad
Marin County Planning Dept.
3501 Civic Center Dr.,Rm.308
San Rafael, Ca. 94903

Dr.Susan Ryan
Army Corps of Engineers
211 Main St. ,Rm 802
San Francisco,Ca.94105

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Sincerely,

Mr. & Mrs. Larry Gill
78 Del Oro Lagoon
Novato, CA 94949

PB 1210

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Marin County Planning Dept.
3501 Civic Center Dr.,Rm.308
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John Hanavy
133 Montalvo Way
Novato, Ca. 94947

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Marin County Planning Department
3501 Civic Center Drive, Room 308
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211 Main Street,Rm. 802
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C.444

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Tom L. Harrison
Mildred L. Harrison
49 Calypso Shores

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Sincerely, Bill W Hrabe
128 Montego Key
Novato CA 94949

C.445

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Marin County Planning Dept.
3501 Civic Center Dr.,Rm.308
San Rafael, Ca. 94903

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ALT-3

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Sincerely,

1092 Bel Marin Keys Blvd
Novato, Ca. 94949

RECEIVED BY
1992 NOV -2 P 4:52
MARIN COUNTY
PLANNING DEPT.

John + Sandra Lauer
155 DeLOro Lagoon
Novato, Ca. 94949

November 2, 1992

Mr. Mark J. Riesenfeld
Director
Marin County Planning Department
3501 Civic Center Dr. Rm 308
San Rafael, Ca. 94903

Dear Mr. Riesenfeld,

GEN-3 First of all my wife and I want to point out that we are not necessarily against the Unit IV development. In fact, if done properly and with everyone's concerns taken into consideration, we feel it could have a positive impact on the existing Bel Marin Keys community. However, the key words are "if done properly". For the project to be "done properly" is ultimately the job of the Planning Department.

My wife and I live on Sunset Lagoon in Unit III, the most recent addition to Bel Marin Keys. It is the (1)(4) [illegible]

largest of the series of lagoons on the South side of Bel Marin Keys Boulevard and as such receives the most recreational water use, primarily water and jet skiing, from the approximately 307 homes on the South side of the Boulevard. Although there is water skiing allowed on several of the other lagoons South of the Boulevard, it is on a limited basis due to the small size of these lagoons and the Community Services District regulations. Jet skiing is allowed only in Sunset and Sunrise Lagoons, both located South of the Boulevard. water and jet is allowed in the lagoon North of the Boulevard, however access from the lagoons on the North/South sides of the Boulevard is only by exiting one navigation lock and entering another via Novato Creek outside the lagoons.

J-1 One of our primary concerns with the proposed Unit IV development is with the useable size of the lagoons as they are outlined in the proposal submitted by Ventana Corp. For any development that would not provide adequate additional water/jet skiing lagoon area would be completely unacceptable, at least to the residents on Sunset Lagoon. It does not appear that there has been enough provision made in the proposed Unit IV plan for sufficient lagoon space to provide adequate water/jet skiing

C.446

capability in order to accomodate the addition of 1180 new residences in Unit IV. To add more water/jet skiing pressure to the existing Unit III lagoons, particularly Sunset Lagoon, which already receives most of the usage South of the Boulevard, would be an invitation to disaster, not only from the enjoyment

J-1 of our boatyards/lagoons, but also, and of more importance, from a safety standpoint. With 307 residences, not counting twenty-three (23) Condo units South of the Boulevard, using primarily Sunset Lagoon for their water recreation, to add 1180 additional residences with attendant potential use would be catastrophic both from a safety prospective as well as a significant decrease in the quality of life for the existing residents

Even though the Bal Maria Keys Community Services District has enated boating regulations governing water/jet skiing they are largely unenforceable. Sunset Lagoon has a four (4) boat limit on water skiing and Sunrise Lagoon has a

J-2 three (3) boat limit. Jet ski use is limited to certain hours of the day and "never on Sunday." I have personal observed numerous violations of the four boat limit on Sunset and countless violations of the hours and Sunday restrictions for jet skiers. But for the Grace-of-God

C.447

J-2 there have been no major injuries or accidents to my knowledge

Because of the turbulent water created by the high degree of use, primarily on Summer weekends and holidays, it is questionable whether we would be able to keep a boat of any size tied up to our dock without

J-1 it being subject to serious damage. To add to that usage and thereby creat more turbulence would make it unfeasible to keep a boat tied up to our backyard dock, to say nothing of the potential for serious injury/accident of major proportions.

There are a number of other concerns that my wife and I have regarding Unit II, the two major ones being security and traffic access.

Unit II as proposed has a number of open space streets along the lagoons affording open access to the lagoons from the streets. The existing streets in Bal Maria Keys have houses between the street and the lagoon.

J-6 for the most part, and public access to the lagoons is limited, although not completely restricted. I have personally conversed with and observed water/jet skiers in Sunset Lagoon who do not reside in the community. Any decrease,

through access by the general public at large, to the security of our homes from the water side of our properties would have a tremendous negative impact on the enjoyment of our life in Bel Marin Keys. J-6

As a side issue of our security concerns, there is a question in our minds about the proposed marina. Would this marina be open to the public as a place for non-residents to keep their boats? If so, this would also have an impact on our security by making the lagoons and our homes more accessable to non-residents of the Keys. J-6

C-448

Also, briefly regarding traffic access. My wife and I feel that in order to make a project on the large scale of the proposed Unit V feasible, there must be an additional access road in addition to Bel Marin Keys Boulevard. There are myriad obvious reasons for this — security, fire, safety, traffic congestion etc — to name a few. C-2

In addition there are other concerns that my wife and I have a few of which are: the length of the construction time table; the ramifications of what happens if Venture Corp. is unable to complete the project; PD-2 N-5

what happens to the golf course, marina, community center/yacht club facilities etc. when Venture Corp. choose to leave when and if the project is completed. There are others but in the interest of keeping this reasonably brief, I won't comment on any of these in hopes that others concerned about the Unit V project will address comments concerning them. N-5

In view of the above I feel that the proposed Unit V plan is to large in the number of residences and to small in the size of useable lagoon area. I would urge the Planning Department to among other things decrease the number of residences; increase the useable lagoon area; site residences on all streets where possible to provide a security buffer between the streets and the lagoons; and finally, make provision for an additional access road into Unit V. ALT-5 GEN-3

I would like to thank you for this opportunity to make our concerns known to the Planning Department and hope that you will do what is best for all concerned

Sincerely

John L. Lauer

Mr. Tim Haddad
Marin County Planning Dept.
3501 Civic Center Dr.,Rm.308
San Rafael, Ca. 94903

Dr.Susan Ryan
Army Corps of Engineers
211 Main St. ,Rm 802
San Francisco,Ca.94105

Dear Mr. Haddad, and Dr. Ryan:

I am a Bel Marin Keys resident and homeowner I welcome the opportunity to comment on the BMK Unit 5 Draft EIR.

I concur with the EIR's assessment that under the Proposed Project (1190 homes), the Mitigated Project (900 homes), and the Status Quo (800 homes) there are Class I impacts on the environment, ("Unavoidable Significant Impact or Potentially Unavoidable Significant Impact after implementation of mitigation measures.") which include:

- -loss of historic baylands
- -loss of seasonally important feeding areas
- -reduced wildlife resource values due to human activity
- -loss of regional oat hay production
- -conversion of prime agricultural land to other uses.

C.449

However the EIR should explain in detail the mitigation measures necessary under the Mitigated Project (900 homes) to change the following Class I impacts of the Proposed Project, to Class II impacts ("Significant or Potentially Significant Impact that would be less than significant after mitigation measures") of the Mitigated Project.

1. LAND USE
   - -Urban Development of Bayfront Conservation Zone
   - -Zoning Reclassification
2. BIOLOGY
   - -Loss of jurisdictional wetlands
   - -Conversion of existing wildlife habitat to development uses.
3. AESTHETICS,LIGHT AND GLARE
   - -Obstruction of senic view

ALT-3

All of the Class I and Class II impacts listed above, are considered Class III ("Insignificant Impact Mitigation Measures not Required) for the Open Space/Agricultural Alternative. Therefore the DEIR should explain in detail why this is not the alternative of choice.

Sincerely,

(LEROY McGINNIS)

8 MONTECITO KEY

Mr. Tim Haddad,Environmental Coordinato
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street,Rm. 802
San Francisco,Ca. 94105

Dear Mr. Haddad, and Dr. Ryan:

As a Bel Marin Keys Resident and homeowner, I welcome the opportunity to comment on the Unit 5 Environmental Impact Report.

CN

I concur with all the issues raised by the BMK CSD regarding traffic,water and neighborhood safety, impacts on the environment and the quality of the lagoon waters, as a result of Unit 5, and I trust that you will insure that all these issues are covered in the Final EIR.

J-10

In addition to the issues raised by the CSD, I feel that the EIR has inadequately addressed the potential impact of the hazardous wastes located adjacent to the Hamilton AFB landing strip.

The threat from toxic substances is of major concern to all residents of BMK, and deserves a complete in depth study to adequately substantiate or refute the EIR's conclusion that the impact from toxic waste located on Hamilton is "insignificant".

The EIR must include a detailed list of the materials present on the Hamilton Hazardous Materials Site. It should include levels of the listed materials and the remediation method that will be used on the site, a detailed map showing the extent of present contamination, and the probability of and direction of lateral migration of the materials present.

I feel that the impacts from the toxic wastes are significant enough to be more thoroughly addressed in the final EIR. Please insure that they are.

Sincerely,

(BETTY NORRIS)

107 Del Oro Dragon
Novato Ca. 94949

C.450

PB-343

Mr. Tim Haddad,Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street,Rm. 802
San Francisco,Ca. 94105

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I feel that the impacts from the toxic wastes are significant enough to be more thoroughly addressed in the final EIR. Please insure that they are.

Sincerely, (WALT NORRIS)
107 Del Oro Lagoon
Novato, Ca. 94949

PB-344

Mr. Tim Haddad,Environmental Coordinato
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street,Rm. 802
San Francisco,Ca. 94105

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I feel that the impacts from the toxic wastes are significant enough to be more thoroughly addressed in the final EIR. Please insure that they are.

Sincerely,
Kathleen Hitchcock
Kathleen Hitchcock
53 Dolphin Isle
Novato Ca.

Mr. Tim Haddad
Marin County Planning Dept.
3501 Civic Center Dr.,Rm.308
San Rafael, Ca. 94903

Dr.Susan Ryan
Army Corps of Engineers
211 Main St. ,Rm 802
San Francisco,Ca.94105

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- -loss of regional oat hay production
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C-451

However the EIR should explain in detail the mitigation measures necessary under the Mitigated Project (900 homes) to change the following Class I impacts of the Proposed Project, to Class II impacts ("Significant or Potentially Significant Impact that would be less than significant after mitigation measures") of the Mitigated Project.

ALT-3

1. LAND USE
   - -Urban Development of Bayfront Conservation Zone
   - -Zoning Reclassification
2. BIOLOGY
   - -Loss of jurisdictional wetlands
   - -Conversion of existing wildlife habitat to development uses.
3. AESTHETICS,LIGHT AND GLARE
   - -Obstruction of senic view

All of the Class I and Class II impacts listed above, are considered Class III ("Insignificant Impact Mitigation Measures not Required) for the Open Space/Agricultural Alternative. Therefore the DEIR should explain in detail why this is not the alternative of choice.

Sincerely,

Mayo J Roome
29 Bahama Reef
Novato, Ca 94949

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive,Room 308
San Rafael, Ca. 94903-4157

Dear Mr. Haddad:

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C-2 The Traffic impacts from the Unit 5 development are NOT adequately addressed in the EIR. Particularly the fact that Bel Marin Keys Blvd. would be an UNSAFE and UNACCEPTABLE situation for this community. These issues have not been adequately addressed or mitigated in the present EIR. The access road through Hamilton that is mentioned in the EIR is on land that is not owned or controlled by the developer. This road as a mitigation measure must be in place prior to any construction approvals or permits.

Sincerely,

Peter Roome 29 Bahama Reef

cc. Bel Marin Keys CSD
Marin County Supervisors

PB 19

Letter #PB-347 is missing.

Mr. Tim Haddad,Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street,Rm. 802
San Francisco,Ca. 94105

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I feel that the impacts from the toxic wastes are significant enough to be more thoroughly addressed in the final EIR. Please insure that they are.

Sincerely,

Linda Pickard
343 N St Helena
St. Helena, Ca.
94574

Mr. Tim Haddad
Marin County Planning Dept.
3501 Civic Center Dr.,Rm.308
San Rafael, Ca. 94903

Dr.Susan Ryan
Army Corps of Engineers
211 Main St. ,Rm 802
San Francisco,Ca.94105

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Sincerely,

C - SHADMAN

1191 Bel Marin Keys Blvd. Novato

C.453

Mr. Tim Haddad
Marin County Planning Dept.
3501 Civic Center Dr.,Rm.308
San Rafael, Ca. 94903

Dr.Susan Ryan
Army Corps of Engineers
211 Main St. ,Rm 802
San Francisco,Ca.94105

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Sincerely,

Alice E Sherry
64 Montego Key

John J Sherry

PB (371)

Mr. Tim Haddad,Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street,Rm. 802
San Francisco,Ca. 94105

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I feel that the impacts from the toxic wastes are significant enough to be more thoroughly addressed in the final EIR. Please insure that they are.

Sincerely,

Christy Hosting
50 Cypress Shores
Novato, Calif. 94949

C.454

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive,Room 308
San Rafael, Ca. 94903-4157

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Sincerely,

David & Reza Hood 1161 Bel Marin Keys

cc. Bel Marin Keys CSD
Marin County Supervisors

PB-353

Mr. Tim Haddad, Environmental Coordinator
Marin County Planning Department
3501 Civic Center Drive, Room 308
San Rafael, Ca. 94903

Dr. Susan Ryan
Army Corps of Engineers
211 Main Street, Rm. 802
San Francisco, Ca. 94105

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Sincerely,
Lorna J Huerta
16 Bahama Reef

C.455

Tim Haddad

PB-354

CHARLES T. RUSSELL
156 CARIBE ISLE
NOVATO, CALIFORNIA 94949

RECEIVED

Marin County Planning Commission
Re: Proposed Unit V. Project by Venture Corp. and Bel Marin Lock and Keys.

Our family, including four children have lived here for over 22 years and are all against the proposed Unit V project for the following reasons:

C-2 C-10 Probably there is to be no access road through Hamilton Field, so all cars would travel on the present two lane Bel Marin Keys Boulevard. Traffic on this road is already too conjested.

The proposed Golf and Yacht Club would be open to all Marin County residents, aside from the fact that it would cost present homeowners $25,000 to join. STILL MORE TRAFFIC...

J-1 Eventually, since the proposed lagoons will be so small our larger one will be used more, thus making skiing hazardous.

J-8 Let's not forget the crime rate. With 1200 more homes this is almost inevitable.

GEN-3 Our neighborhood, including any small acess of free land we now have would literally be destroyed. We feel we have been misrepresented and many questions left unanswered by Venture Corporation.

We are against any change whatsoever in Bel Marin Keys- Enough has been done.

The Russell Family
Charles Russell

PB-355

Susan Ryan Jahansooz
San Francisco District
US Army Corps. of Engineers
211 Main Street
San Francisco, Ca. 94105

Dear Susan,

I attended the Bel Marin Keys community meeting September 14th and have several questions. I am a new resident and am unfamiliar with many of the issues concerning Unit 5.

I have studied the site plan and see several omissions.

PD-1 1.) My own short road is not on the site map. (Bermuda Harbor) I cannot tell the orientation of the new road in relation to my home.

2.) The exact locations of the fire station, elementary school, bus stations, and entrance are not specified.

B-8 3.) There is a grove of Eucalyptus trees on the Jack West Property which serves as a roosting place for thirty Great White Herons. I currently am involved in an Audubon project monitoring their numbers and possible nesting habits. The current site map does not show if this grove is to be saved .

PD-1 4.) I heard mention of a highway 37 connector, and this is not indicated in the site plan.

B-10 5.) One of the speakers addressed what happens if the money runs out, who restores the habitat? This is a primary concern of mine.

Would it be possible to obtain a summary of the EIS?

Sincerely,

Patty Harper

Patty Harper
6 Bermuda Harbor
Bel Marin Keys
Novato, Ca. 94949

C.456